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(exp. 02/28/2006)

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

PHA Plans

5 Year Plan for Fiscal Years 2004 - 2009
Annual Plan for Fiscal Year 2004-05

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 Calexico

PHA Number: CA039

PHA Fiscal Year Beginning: (07/2004)

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:
HACC's Community Center

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)

HACC's Community Center

5-YEAR PLAN
PHA FISCAL YEARS 2004 - 2009

[24 CFR Part 903.5]

A. Mission

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

☒ The PHA's mission is: (state mission here)
To provide clean, affordable and quality housing impriving the standard of living of the population it serves. Promote upward mobility, self-sufficiency and resident empowerment.

B. Goals

?? To manage the Housing Authority of the City of Calexico in a manner that results in full compliance with applicable statutes and regulations as defined by program audit requirements.

?? **To increase the availability of decent, safe and affordable housing.**

?? **Promote fair housing and equal opportunity for all members of our community through outreached and education.**

?? **Improve the access of public housing residents to services that supports economic development opportunities and quality of life.**

?? **Provide a safe and secure environment in the HACC's public housing developments.**

☒ PHA Goal: Expand the supply of assisted housing
Objectives:
- ☒ Apply for additional rental vouchers:
- ☐ Reduce public housing vacancies:
- ☒ Leverage private or other public funds to create additional housing opportunities:
- ☒ Acquire or build units or developments
- ☐ Other (list below)

☒ PHA Goal: Improve the quality of assisted housing
Objectives:
- ☒ Improve public housing management: (PHAS score)
- ☒ Improve voucher management: (SEMAP score)
- ☒ Increase customer satisfaction:
- ☒ Concentrate on efforts to improve specific management functions: (list; e.g., public housing finance; voucher unit inspections)
- ☒ Renovate or modernize public housing units:
- ☐ Demolish or dispose of obsolete public housing:
- ☒ Provide replacement public housing:
- ☒ Provide replacement vouchers:
- ☐ Other: (list below)

☒ PHA Goal: Increase assisted housing choices
Objectives:
- ☒ Provide voucher mobility counseling:
- ☐ Conduct outreach efforts to potential voucher landlords
- ☐ Increase voucher payment standards
- ☐ Implement voucher homeownership program:
- ☒ Implement public housing or other homeownership programs:
- ☐ Implement public housing site-based waiting lists:
- ☐ Convert public housing to vouchers:
- ☒ Other: **Explore other options to increase housing choices**

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

☒ PHA Goal: Provide an improved living environment
Objectives:
- ☐ Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:
- ☐ Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
- ☒ Implement public housing security improvements:
- ☐ Designate developments or buildings for particular resident groups (elderly, persons with disabilities)
- ☐ Other:

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

☒ PHA Goal: Promote self-sufficiency and asset development of assisted households

Objectives:

- ☐ Increase the number and percentage of employed persons in assisted families:
- ☒ Provide or attract supportive services to improve assistance recipients' employability:
- ☒ Provide or attract supportive services to increase independence for the elderly or families with disabilities.
- ☒ Other: **Encourage resident participation; promote resident employment**

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:
- ☒ 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:
- ☐ Other: (list below)

Other PHA Goals and Objectives: (list below)

1. **Apply for Tax Credit Development Project.**
2. **Seek additional Private/Mixed Finance Projects.**

Annual PHA Plan
PHA Fiscal Year 2004
[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)]

In response to the directives outlined in the 1998 Quality Housing and Work Responsibility Act and the ensuring requirements by the Department of Housing and Urban Development, the Housing Authority of the City of Calexico, herein after referred to as Housing Authority has prepared this Agency Plan.

In this fourth year of required submission, the Housing Authority of the City of Calexico has the strong commitment to continue operating its programs in an efficient and cost effective manner and to continue exploring the options authorized by the QHWRA, e.g., mortgaging of public housing properties, mixed financing etc. These options will be explore d primarily as methods to increase the supply of affordable housing in accordance with the needs within our jurisdiction.

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

Required Attachments:

☒ Admissions Policy for Deconcentration **attachment ca039c05**

☒ FY 2004 Capital Fund Program Annual Statement **attachment ca039j05**

☐ 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
- ☒ FY 2004 Capital Fund Program 5 Year Action Plan **attachment ca039q05**
- ☐ Public Housing Drug Elimination Program (PHDEP) Plan
- ☐ Comments of Resident Advisory Board or Boards (must be attached if not included in PHA Plan text)
- ☐ Other (List below, providing each attachment name)

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**
YES	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
YES	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
YES	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
YES	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
YES	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
YES	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
YES	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
	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 Quality Housing and Work Responsibility Act Initial*	Annual Plan: Eligibility, Selection, and Admissions Policies

List of Supporting Documents Available for Review		
Applicable & On Display	**Supporting Document**	**Applicable Plan Component**
	Guidance; Notice and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	
YES	Public housing rent determination policies, including the methodology for setting public housing flat rents ☒ check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
YES	Schedule of flat rents offered at each public housing development ☒ check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
YES	Section 8 rent determination (payment standard) policies ☒ check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
YES	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
YES	Public housing grievance procedures ☒ check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
YES	Section 8 informal review and hearing procedures ☒ check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
YES	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
YES	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
N/A	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
N/A	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
N/A	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
N/A	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
N/A	Policies governing any Section 8 Homeownership program	Annual Plan: Homeownership

List of Supporting Documents Available for Review		
Applicable & On Display	**Supporting Document**	**Applicable Plan Component**
	☐ check here if included in the Section 8 Administrative Plan	
N/A	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
N/A	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
YES	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency
	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
YES	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U. S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
N/A	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

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

The Housing Authority has analyzed the housing needs of low-income and very low-income families who reside in the Housing Authority's jurisdiction. Included in the analysis are housing needs of extremely low-income families, elderly families and families with disabilities and households of various races and ethnic groups residing in the jurisdiction.

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	**744**	**3**	**3**	**2**		**3**	
Income >30% but <=50% of AMI	**57**	**1**	**1**	**2**		**3**	
Income >50% but <80% of AMI	**17**	**1**	**1**	**2**			

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Elderly	**74**	**3**	**3**	**2**		**3**	
Families with Disabilities	**18**	**3**	**3**	**2**		**3**	
Race/Ethnicity **H**	**816**						
Race/Ethnicity **W**	**1**						
Race/Ethnicity **A**	**0**						
Race/Ethnicity **B**	**1**						

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:

☐ U.S. Census data: the Comprehensive Housing Affordability Strategy ("CHAS") dataset

☐ American Housing Survey data
Indicate year:

☐ Other housing market study
Indicate year:

☒ Other sources: **HACC DATA BASE 2004**

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) ☐ Section 8 tenant-based assistance ☐ Public Housing ☒ Combined Section 8 and Public Housing ☐ Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development/subjurisdiction:

Housing Needs of Families on the Waiting List			
	# of families	% of total families	Annual Turnover
Waiting list total	**818**		
Extremely low income <=30% AMI	**744**	**91%**	
Very low income (>30% but <=50% AMI)	**57**	**7%**	
Low income (>50% but <80% AMI)	**17**	**2%**	
Families with children	**744**	**91%**	
Elderly families	**74**	**9%**	
Families with Disabilities	**18**	**2.2%**	
Race/ethnicity	**Hispanic**	**98%**	
Race/ethnicity	**White**	**1%**	
Race/ethnicity	**Asian**	**0%**	
Race/ethnicity	**Black**	**1%**	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	**17**	**5%**	
2 BR	**210**	**64%**	
3 BR	**94**	**28%**	
4 BR	**6**	**2%**	
5 BR	**3**	**1%**	
5+ BR			

Is the waiting list closed (select one)? ☐ No ☒ Yes

If yes:

How long has it been closed (# of months)? **25**

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

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

C. Strategy for Addressing Needs

The housing authority intends, to the maximum extent practicable, to address the community housing needs, responding to HUD notices of funding availability for additional funds, applying for additional section 8 housing choice vouchers, development partnership with private and non-profit organizations to provide affordable housing and homeownership opportunities.

(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)

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: **To continue supporting mix financing for senior affordable housing**.

Need: Specific Family Types: Elderly

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 ethnicity's with disproportionate housing needs

Strategy 1: Increase awareness of PHA resources among families of races and ethnicity's 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)

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)]

As required by HUD's regulation, we are submitting the following statement of financial resources. The statement reflects projected income for the operation of the public housing and tenant-based assistance programs, for the fiscal year beginning July 1, 2004 through June 30, 2005.

Financial Resources: Planned Sources and Uses		
Sources	**Planned $**	**Planned Uses**
1. **Federal Grants (FY 2004 grants)**		
a) Public Housing Operating Fund	**781,816**	
b) Public Housing Capital Fund	**554,936**	
c) HOPE VI Revitalization	**0**	
d) HOPE VI Demolition	**0**	
e) Annual Contributions for Section 8 Tenant-Based Assistance	**1,193,494**	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	**0**	
g) Resident Opportunity and Self-Sufficiency Grants	**250,000**	
h) Community Development Block Grant	**0**	

Financial Resources: Planned Sources and Uses		
Sources	**Planned $**	**Planned Uses**
i) HOME	**0**	
Other Federal Grants (list below)	**0**	
2. Prior Year Federal Grants (unobligated funds only) (list below)		
3. Public Housing Dwelling Rental Income	**697,490**	
4. Other income (list below)	**0**	
4. Non-federal sources (list below)	**0**	
Total resources	**3,467,736**	

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.7 9 (c)]

A. Public Housing

(1) Eligibility

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

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)

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

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

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

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

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

?? **Working families who have worked for at least six months within the year prior to being offered a unit and those unable to work because of age or disability**

?? **Those enrolled currently and who have participated for at least six months within the year prior to being offered a unit. in educational, training, or upward mobility programs**

?? **Those previously and who have participated for at least six months within the year prior to being offered a unit. enrolled in educational, training, or upward mobility programs**

?? **Elderly and/or disabled households whose head or spouse are age 62 or older or who have a permanent disability.**

Equal weight through a point system will be given to the following preferences, but less than the previously mentioned preferences:

Among applicants with equal preferences status, the waiting list will be organized by date and time of the applicants.

☐ 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 (HUD materials)

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: Did the PHA's analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote deconcentration of poverty or income mixing?

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

c. If the answer to b was yes, what changes were adopted? (select all that apply)

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

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

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

☐ Other (list policies and developments targeted below)

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

e. If the answer to d was yes, how would you describe these changes? (select all that apply)

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

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

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

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families? (select all that apply)
☐ Not applicable: results of analysis did not indicate a need for such efforts
☐ List (any applicable) developments below:

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).**

(1) Eligibility

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)

(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)

(3) Search Time

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

If yes, state circumstances below:

(4) Admissions Preferences

a. Income targeting

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

b. Preferences

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

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (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) **(Elderly and/or disabled households whose head or spouse are age 62 or older or who have a permanent disability)**.

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.

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

The rent policies of the Housing Authority of the City of Calexico, is based in accordance to HUD's regulation and any Federal, State and Local Laws.

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 (Rent increases of $5.00 or more)

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 (Fair Market Rents FMR)

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

The payment standard under the Voucher Choice Program, using the FMR published by HUD office and adopted by the Housing Authority of the City of Calexico.

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

☐ At or above 90% but below100% 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)

(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	301	20
Section 8 Vouchers	230	0
Section 8 Certificates	N/A	
Section 8 Mod Rehab	N/A	
Special Purpose Section 8 Certificates/Vouchers (list individually)	N/A	20
Public Housing Drug Elimination Program (PHDEP)	301	
Other Federal Programs(list individually)	N/A	

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)

HACC Bylaws **ca039d05**

Admission and Continue Occupancy	**ca039c05**
Procurement Policy	**ca039e05**
Personnel Policy	**ca039f05**
Maintenance Policy	**ca039g05**

(2) Section 8 Management: (list below)

Administrative Policy **ca039h05**

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:

Attachment ca039i05

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.

The Capital Fund Activities are submitted as Attachments.

(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 ca039q05**

-or-

☐ The Capital Fund Program Annual Statement is provided below: (if selected, copy the CFP Annual Statement from the Table Library and insert here)

(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 ca039j05**

-or-

☐ The Capital Fund Program 5-Year Action Plan is provided below: (if selected, copy the CFP optional 5 Year Action Plan from the Table Library and insert here)

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:
2. Development (project) number:
3. Status of grant: (select the statement that best describes the current status)
   - ☐ Revitalization Plan under development
   - ☐ Revitalization Plan submitted, pending approval
   - ☐ Revitalization Plan approved
   - ☐ Activities pursuant to an approved Revitalization Plan underway

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

☐ Yes ☒ No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year?
If yes, list developments or activities below:

☐ Yes ☒ No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?
If yes, list developments or activities below:

8. Demolition and Disposition

[24 CFR Part 903.7 9 (h)]

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

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

[24 CFR Part 903.7 9 (i)]

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 ☐ Occupancy by families with disabilities ☐ Occupancy by only elderly families and families with disabilities ☐
3. Application status (select one) Approved; included in the PHA's Designation Plan ☐ Submitted, pending approval ☐ Planned application ☐
4. Date this designation approved, submitted, or planned for submission: (DD/MM/YY)
5. If approved, will this designation constitute a (select one) ☐ New Designation Plan ☐ Revision of a previously-approved Designation Plan?
6. Number of units affected:

7. Coverage of action (select one)
☐ Part of the development
☐ 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? ☐ Assessment underway ☐ Assessment results submitted to HUD ☐ Assessment results approved by HUD (if marked, proceed to next question) ☐ Other (explain below)
3. ☐ Yes ☐ 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) ☐ Conversion Plan in development ☐ Conversion Plan submitted to HUD on: (DD/MM/YYYY) ☐ Conversion Plan approved by HUD on: (DD/MM/YYYY)

☐ 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) ☐ Units addressed in a pending or approved demolition application (date submitted or approved: ☐ Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved:) ☐ Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved:) ☐ Requirements no longer applicable: vacancy rates are less than 10 percent ☐ Requirements no longer applicable: site now has less than 300 units ☐ 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.

The Housing Authority of the City of Calexico has an homeownership plan for public housing. Several families are tentatively approved by financial institutions and have sold 1 at this time.

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: **Casas Del Sol** 1b. Development (project) number: **CA16PO39005**
2. Federal Program authority: ☐ HOPE I ☒ 5(h) ☐ Turnkey III ☐ Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one) ☒ Approved; included in the PHA's Homeownership Plan/Program ☐ Submitted, pending approval ☐ 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) ☐ Part of the development ☒ Total development

B. Section 8 Tenant Based Assistance

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

2. Program Description:

a. Size of Program

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

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

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

b. PHA-established eligibility criteria

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

12. PHA Community Service and Self-sufficiency Programs

[24 CFR Part 903.7 9 (l)]

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?

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)

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)

(2) Family Self Sufficiency program/s

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2000 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing		
Section 8	**11**	**1993**

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)

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)

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)

D. Additional information as required by PHDEP/PHDEP Plan

PHAs eligible for FY 2004 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

☐ 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 2004 in this PHA Plan?
☐ Yes ☒ No: This PHDEP Plan is an Attachment.

14. RESERVED FOR PET POLICY

[24 CFR Part 903.7 9 (n)]

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)?

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: **Risk Management and Marketing**

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

18. Other Information

[24 CFR Part 903.7 9 (r)]

A. Resident Advisory Board Recommendations

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)

☐ 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: (**City of Calexico**)

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)

☐ Other: (list below)

4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)
Creation of affordable housing
Creation of decent, safe and sanitary housing

D. Other Information Required by HUD

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

Attachments

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

PHA Plan
Table Library

Component 7
Capital Fund Program Annual Statement
Parts I, II, and II

Annual Statement
Capital Fund Program (CFP) Part I: Summary

Capital Fund Grant Number **CA16PO3950104** FFY of Grant Approval: (09/2004)

☒ SEE ATTACHMENT **ca039j05**

Line No.	Summary by Development Account	Total Estimated Cost
1	Total Non-CGP Funds	
2	1406 Operations	
3	1408 Management Improvements	
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	1498 Mod Used for Development	
19	1502 Contingency	
20	**Amount of Annual Grant (Sum of lines 2-19)**	
21	Amount of line 20 Related to LBP Activities	
22	Amount of line 20 Related to Section 504 Compliance	
23	Amount of line 20 Related to Security	

24	Amount of line 20 Related to Energy Conservation Measures	

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

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost

☒ SEE ATTACHMENT **ca039j05**

Annual Statement
Capital Fund Program (CFP) Part III: Implementation Schedule

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)

☒ SEE ATTACHMENT **ca039j05**

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.

Optional 5-Year Action Plan Tables			
Development Number	**Development Name (or indicate PHA wide)**	**Number Vacant Units**	**% Vacancies in Development**

Description of Needed Physical Improvements or Management Improvements	Estimated Cost	Planned Start Date (HA Fiscal Year)
Total estimated cost over next 5 years		

☒ SEE **ATTACHMENT ca039q05**

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 *Component 7a*	Development Activities *Component 7b*	Demolition / disposition *Component 8*	Designated housing *Component 9*	Conversion *Component 10*	Home-ownership *Component 11a*	Other (describe) *Component 17*

☒ SEE ATTACHMENT **ca039q05**

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The U.S. Housing Act of 1937 created the Low Rent Public Housing Program. Administration of the Public Housing Program and the functions and responsibilities of the Housing Authority of the City of Calexico's (HACC) staff shall be in compliance with the HACC Personnel Policy, Memorandum of Understanding Between the Housing Authority of the City of Calexico and the Teamsters Local No. 542 and this Admissions and Continued Occupancy Policy. The administration of this HACC housing program will also meet the requirements of the Department of Housing and Urban Development. Such requirements include any Public Housing 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 Volume 24 CFR, Parts V,VII and IX. (Code of Federal Regulations).

A. MISSION STATEMENT OF THE HOUSING AUTHORITY OF THE CITY OF CALEXICO

The following mission statement HACC's been adopted to guide the activities of the Housing Authority of the City of Calexico.

TO PROVIDE CLEAN, AFFORDABLE, QUALITY HOUSING, IMPROVING THE STANDARD OF LIVING OF THE POPULATION IT SERVES. PROMOTE UPWARD MOBILITY, SELF-SUFFICIENCY AND RESIDENT EMPOWERMENT

B. GOALS AND OBJECTIVES

The goals and objectives adopted by the Housing Authority of the City of Calexico are:

Goal One: To manage the Housing Authority of the City of Calexico in a manner that results in full compliance with applicable statutes and regulations as defined by program audit requirements.

Objectives:

1. The Housing Authority shall promote a motivating work environment with a capable and efficient team of employees to operate as a customer-friendly and fiscally prudent leader in the affordable housing industry. To accomplish this, the HACC will ensure its staff receives timely training, in all areas of property management as required by HUD.

2. To ensure that each department is in compliance with the PHAS, SEMAP, MTCS and other requirements, timely submissions and quality control will be monitored

on a monthly basis.

3. The Housing Authority of the City of Calexico shall sustain its classification as a high performer up to the fiscal year ending June 30, 2005.

Goal Two: To increase the availability of decent, safe and affordable housing in order to address the affordable housing needs of our community for the next five years. Cited as a need in our City's General Plan.

To adapt the Housing Authority of the City of Calexico's housing stock and program resources to more closely meet the housing needs and markets identified in our needs assessment

Objectives:

1. Increase the availability of affordable housing within the City of Calexico, by 20% of the Housing Authority's existing stock, within the next five years.

2. To develop a non-profit housing corporation, if necessary, to seek tax credit and other financing to build new affordable housing units.

3. Continue assisting the fifty public housing families to move from renting to homeownership by June 30, 2004.

Goal Three: Promote fair housing and equal opportunity for all members of our community through outreach and education.

Objectives:

1. Use the tenant-based assistance program to expand housing opportunities beyond areas of traditional low-income and minority concentration.

2. The Housing Authority of the City of Calexico shall mix its public housing development populations, as much as possible, in relation to ethnicity, race and income.

Goal Four: Improve the access of public housing residents to services that support economic development opportunities and quality of life.

Objectives:

1. The Housing Authority of the City of Calexico will establish new partnerships in order to enhance self-sufficiency services to our residents by June 30, 2004.

2. The Housing Authority of the City of Calexico will more effectively utilize its community facilities to provide resident services as measured by increased utilization of 20% by June 30, 2004.

3. Apply to at least two appropriate foundations or grant funds to expand our Economic Develop and Family Self-Sufficiency Program.

4. The Housing Authority of the City of Calexico shall have an effective, fully functioning resident organization by June 30, 2004.

5. The Housing Authority of the City of Calexico shall assist its resident organization in strengthening their organization and helping them develop their own mission statement, goals and objectives by June 30, 2004.

Goal Five: Provide a safe and secure environment in the Housing Authority of the City of Calexico's public housing developments.

Improve resident and community perception of safety and security in the Housing Authority of the City of Calexico's public housing developments.

Objectives:

1. The Housing Authority of the City of Calexico shall reduce crime in its developments so that their crime rate is less than their surrounding neighborhood by June 30, 2004.

2. The Housing Authority of the City of Calexico shall refine the memorandum of understanding between the City of Calexico's police department and this agency. The purpose of this is to better define the "edge problem" of crime that occurs near our developments and develop strategies for identifying and reducing this problem.

C. PURPOSE OF THE POLICY

The purpose of this Admissions and Continued Occupancy Policy (PHACOP) is to establish guidelines for the Housing Authority of the City of Calexico (HACC) staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements of the Department of Housing and Urban Development (HUD) with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding on applicants, residents, and the Housing Authority.

The HACC Board of Commissioners must approve this policy and any changes thereto. The 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 Housing Authority 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 (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)

Any applicable State laws or Local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted.

The Housing Authority will not discriminate because of race, color, sex, religion, familial status, disability, national origin, marital status, or sexual orientation in the leasing or other disposition of housing or related facilities, including land, that is part of any project or projects under the HACC'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 HACC office in such a manner as to be easily readable from a wheelchair.

The HACC Administration Office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD telephone service provider.

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

E. SERVICE AND ACCOMMODATIONS POLICY

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

It is the policy of this Housing Authority 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 HACC 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 programs and related services. The Housing Authority will verify all requests so that the Housing Authority can properly accommodate the need presented by the disability.

Federal Americans with Disabilities Act of 1990

With respect to an individual, the term "disability," as defined by the 1990 Act 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 impairment.

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 HACC, 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 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 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 HACC will require verification from a physician when a request for a home visit recertification is submitted.

Reasonable Accommodation

Reasonable accommodation will be made for persons with a disability who require an advocate. A designee will be allowed to provide some information, but only with the written permission of the person with the disability.

All HACC mailings will be made available in an accessible format upon written request, as a reasonable accommodation.

Recertification by Mail

The HACC will permit the disabled family member to submit annual and interim recertification forms through the mail, when the Housing Authority determines that the request is necessary as a reasonable accommodation.

The mail-in packet will include notice to the family of the Housing Authority’s deadline for returning the completed forms to the HACC.

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 and are responsible to return the information by the deadline.

Home Visits

When requested and where the need for reasonable accommodation has been established by the Housing Authority, the HACC will conduct home visits to residents to conduct annual and interim recertifications.

Requests for home visit recertifications must be received by the HACC at least 15 days before the scheduled appointment date in order for the request to be considered.

Home visit recertifications which are requested after the scheduled appointment will be considered a missed appointment by the family and recorded as a non-compliance with the family's obligations under the HUD regulations. This will be recorded in accordance with the number of allowed rescheduled appointments in Chapter 11.

Other Accommodations

The Housing Authority may utilize organizations which provide assistance for hearing and sight-impaired persons when requested by the family.

Upon the written request by the family, families will be offered an accessible unit when an accessible unit is available or placed on the transfer list.

Upon the receipt of the family's written request, the Housing Authority will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities.

F. TRANSLATION OF DOCUMENTS

The Housing Authority has bilingual staff to assist non-English speaking families.

G. PUBLIC HOUSING MANAGEMENT ASSESSMENT SYSTEM (HACC'S) OBJECTIVES [24 CFR 901 & 902]

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

The HACC is continuously assessing its program and consistently strives to make improvements. The HACC acknowledges that its performance ratings are important to sustaining its capacity to maintain flexibility and authority. The HACC intends to diligently manage its current program operations and continuously make efforts to be in full compliance with PHAS. The policies and

procedures of this program are established so that the standards set forth by the Housing Authority are demonstrated and can be objectively reviewed by an auditor whose purpose is to evaluate performance.

H. FAMILY OUTREACH

The HACC will publicize and disseminate information to make known the availability of housing units and housing-related services for low and very-low income families.

The HACC will communicate the status of housing availability to other service providers in the community. The HACC will advise them of housing eligibility factors and guidelines so that they can make proper referrals for those who seek housing.

When the HACC waiting list is open, the HACC will periodically publicize the availability and nature of housing assistance for low and very-low income families in the Imperial Valley Press and the Calexico Chronicle and may also advertise in the local minority publications and other suitable means.

Notices will be provided in English and Spanish.

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

I. 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" as well as any other release necessary to obtain, release or share information to be able to determine eligibility or continued eligibility by any member of the household. The HUD 9886 document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The HACC 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 Executive Director or his/her designee.

The HACC practices and procedures are designed to safeguard the privacy of applicants and tenants.

Files will never be left unattended or placed in common areas.

HACC 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 or close acquaintances living in Public Housing. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.

J. POSTING OF REQUIRED INFORMATION

The HACC will maintain a binder in an accessible area of the Housing Department lobby that will contain:

- Statement of policies and procedures governing the Public Housing Admission and Continued Occupancy Policy (PHACOP) or a notice of where the policy is available
- Information on application taking
- Directory of the HACC housing sites
- Income limits for Admission
- Current schedule of routine maintenance charges
- Security Deposit information
- Schedule of Utility Allowances
- A copy of the lease
- Current Resident Notice(s)
- The HACC grievance procedures and form

The following will be posted:

- A Fair Housing Poster
- An Equal Opportunity in Employment poster

K. TERMINOLOGY

The Housing Authority of the City of Calexico is referred to as "HACC" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant," "Resident" or "Participant" 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 HACC as the

landlord.

"Landlord" refers to the HACC.

"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

[24 CFR 960.201]

INTRODUCTION

This Chapter defines both HUD's and the Housing Authority's criteria for admission and denial of admission to the program. The policy of the Housing Authority is to strive for objectivity and consistency in applying these criteria to evaluate the qualifications of families who apply. The Housing Authority 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 Housing Authority pertaining to their eligibility.

A. QUALIFICATION FOR ADMISSION

It is the Housing Authority's policy to admit qualified applicants only. An applicant is qualified if s/he 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 200 and Part 5, Subpart E).
- Has an Annual Income at the time of admission that does not exceed the low-income limits for occupancy established by HUD.
- The Quality Housing and Work Responsibility Act of 1998 authorizes Housing Authorities to admit families whose income does not exceed the low-income limit (80% of median area income) once the Housing Authority has met the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income).
- 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, including the attendance and successful completion of the Housing Authority's pre-occupancy class.**

Timing for the Verification of Qualifying Factors

The qualifying factors of eligibility, other than citizenship status, will not be verified before the family is placed on the waiting list.

B. FAMILY COMPOSITION

Definition of Family

The applicant must qualify as a Family. A Family may be a single person or a group of persons.

A group of persons is defined by the Housing Authority as two or more persons who intend to share residency whose income and resources are available to meet the family's needs and will live together in a Housing Authority dwelling.

Elderly, disabled, and displaced families are defined by HUD in CFR 5.403.

The term "Family" also includes, but is not limited to:

- A family with or without children;
- An elderly family;
- A disabled family;
- 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.

Occupancy by Police Officers

In order to provide an increased sense of security for public housing residents, the Housing Authority may allow public housing units to be occupied by police officers.

Police officers will not be required to be income eligible to qualify for admission to the Housing Authority’s public housing program.

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 and Local law.

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

Persons who are married are legally recognized as adults under State law.

Spouse of Head

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

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, with the head of household, for the lease. 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 provided that such live-in aide:

- Is determined by the Housing Authority 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 the Non-Citizen 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, providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the family member(s) does not overcrowd the unit.

A Live-in Aide may only reside in the unit with the written approval of the Housing Authority. 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 Housing Authority 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 [24 CFR 5.216]

Prior to admission, families are required to provide verification of Social Security Numbers for all family members age 6 and older, 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 must state that:

- the individual has not been issued a Social Security Number;
- the individual will disclose the Social Security Number, if they obtain one at a later date;
- be signed and dated by the affected party, in the case of a minor, by his or her parent or guardian, and the head of household.

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Eligible immigrants are persons who are in one of the six immigrant categories as specified by the Department of 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 noncitizen regulations, are not eligible for assistance.

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

No individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of at least one individual or family member.

E. OTHER ELIGIBILITY CRITERIA

All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) 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 the 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 others and to avoid damaging the property of others;
- not to engage in criminal activity 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 Housing Authority premises;
- to ensure that the behavior of their family members and the family's visitors is in compliance with the lease requirements;
- not to have ever been convicted of manufacturing or producing methamphetamine, also known as "speed" or any other drug;

- to comply with the established rules and program requirements of the Housing Authority and HUD; and,

- to comply with the local health and safety codes.

Denial of Admission for Previous Debts to This or Any Other Housing Authority

Previous outstanding debts to this Housing Authority or any other Housing Authority resulting from a previous tenancy in the public housing, Section 8 or any other federally assisted program must be paid in full prior to admission. No Payment Agreement will be accepted.

At the time of initial application, the applicant must pay any previous debt prior to being placed on the waiting list.

If a Payment Agreement falls into arrears while the family is on the waiting list, as defined in this policy, the family will be required to pay the balance in full prior to admission.

F. ONE STRIKE POLICY

Denial of Admission for Drug-Related and/or Other Criminal Activity

Purpose

All federally assisted housing is 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 intent of the Housing Authority of the City of Calexico 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.

For these reasons and in accordance with PIH 96-27 and the QHWRA, the HACC will permanently deny admission to any person convicted of manufacturing or producing methamphetamine, commonly known as “speed” or the use, sale or involvement in any drug-related criminal activity.

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 Housing Authority 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. 802)).

Drug-related criminal activity means *on or off the* premises, *not just on or near the* premises.

"Criminal activity" includes any criminal activity that threatens the health, safety or right to peaceful enjoyment of the resident's public housing premises by other residents or employees of the Housing Authority.

Screening for "One Strike"

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 Housing Authority will endeavor to screen applicants as thoroughly and fairly as possible.

If in the past the Housing Authority initiated a lease termination, which may or may not have resulted in eviction for any reason cited under the One Strike Notice, for a family, as a prior resident of public housing, the Housing Authority shall have the discretion to consider all the circumstances of the case regarding the extent of participation by non-involved family members.

The Housing Authority will not be obligated to ferret out information concerning a family's criminal activities as part of the processing of an application for assistance. Initial screening will be limited to routine inquiries of the family and any other information provided to the Housing Authority 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 or violent criminal activity, the Housing Authority 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 10 years for drug-related or violent criminal activity, the Housing Authority shall obtain verification through police and/or court records.

Law Enforcement Records

The Housing Authority will check criminal history for all adults in the household to determine whether any member of the family has engaged in violent or drug-related criminal activity.

Verification of any past activity will be done prior to final eligibility and will include a check of conviction records.

The Housing Authority has contracted with the Calexico Police Department; a 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.

If the Calexico Police Department indicates to the Housing Authority that there is a criminal history record indexed in the Interstate Identification Index which might belong to the applicant, the Housing Authority will submit an applicant fingerprint card to the FBI through the appropriate channel in order to verify whether the criminal record is in fact the applicant's. Should the applicant instead elect to withdraw their application, no further action will be necessary.

The Housing Authority may request a fingerprint card from all of its applicants whether or not they indicate any prior criminal history on their application.

Standard for Violation

Persons evicted from public housing, Indian housing, Section 23, any Section 8 program or other federally assisted program because of drug related criminal activity are ineligible for admission to Public Housing for a ten-year period beginning on the date of such eviction.

The Housing Authority will not waive this requirement.

No member of the applicant's family may have engaged in drug related or violent criminal activity within the past 10 years.

The Housing Authority will permanently deny admission to public housing persons convicted of manufacturing or producing methamphetamine on the premises of an 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 Housing Authority will deny participation in the program to applicants where the Housing Authority determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the Housing Authority determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

"Engaged in or engaging in or recent history of" drug related criminal activity means any act within the past 10 years by applicants or participants, household members, or guests which involved drug-related 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.

"Engaged in or engaging in or recent history of" criminal activity means any act within the past 10 years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the Housing Authority, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

The Housing Authority will not waive this policy.

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 arrested or convicted of any criminal or drug-related criminal activity within the past 10 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 Housing Authority 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 10 years.

Evidence

The Housing Authority must have evidence of the violation.

"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 proven 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 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, evidence gathered by Housing Authority inspectors and/or

investigators, and evidence gathered from the Housing Authority through other sources.

The Housing Authority may pursue fact-finding efforts as needed to obtain credible evidence.

Obtaining Information From Drug Abuse Treatment Centers

The Housing Authority will inquire of all applicants whether they are currently using or in the past have ever engaged in the illegal use of a controlled substance.

The Housing Authority will inquire of all applicants who respond in the affirmative whether they are currently receiving treatment or have ever received treatment at a drug abuse treatment facility.

All applicants who respond in the affirmative will be required to sign a written consent authorizing the Housing Authority to receive information from the drug abuse treatment facility stating only whether the facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.

The authorization will be sent to the drug abuse treatment facility to be returned to the HACC Executive Director.

The Housing Authority will maintain such information received from a drug abuse treatment facility in a manner that respects its confidentiality.

Such confidential information will be reviewed by the Executive Director who will make a decision as to the outcome of the review.

Such confidential information will not be misused or improperly disseminated and will be destroyed no later than 5 days after the date on which the Housing Authority gives final approval for admission.

If the application is denied, the information will be destroyed within 90 days following the date on which the statute of limitations for commencement of a civil action from the applicant based upon the denial of admission has expired.

Confidentiality of Criminal Records

The Housing Authority 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.

All criminal reports, while needed by the Housing Administration Director for screening for criminal behavior, will be housed in a locked file with access restricted to individuals responsible for such screening.

Misuse of the above information by any employee will be grounds for termination of

employment.

If the family is determined eligible for initial or continued assistance, the Housing Authority's copy f 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 Housing Authority 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 Housing Authority takes any adverse action based on a criminal conviction record, the applicant 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 court hearing in the case of evictions.

Hearings

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

If information is revealed that would cause the Housing Authority 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 Housing Authority's hearing procedures outlined in the Chapter on Complaints, Grievances and Appeals.

G. SCREENING FOR SUITABILITY [24 CFR 960.204, 960.205]

In developing its admission policies, the aim of the Housing Authority 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 Housing Authority 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.

The Housing Authority will conduct a detailed interview of all applicants. The interview form will contain questions designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. Answers will be subject to third party verification.

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 8.2 Definition: Qualified Individual with Handicaps) The availability of assistance is subject to verification by the Housing Authority.

The Housing Authority's minimum age for admission as head of household is 18, to avoid entering into leases that would not be valid or enforceable under applicable law. The Housing Authority 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.

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

The Housing Authority may complete a credit check and/or rental history check on all applicants.

The Housing Authority shall rely upon sources of information which may include, but not be limited to, Housing Authority 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 Housing Authority will complete a home visit at the current residence of all applicants who have had unreturned landlord verifications or verifications returned to the Housing Authority with unfavorable comments concerning their housekeeping habits or as the Housing Authority deems necessary. Applicants shall have at least two working days advance written notice of home visits.

Factors to be considered in the screening are housekeeping habits, rent paying habits, prior history as a tenant, criminal records, the ability of the applicant to maintain the responsibilities of tenancy and whether the conduct of the applicant in present or prior housing has been such that admission to the program would adversely affect the health, safety or welfare of other residents, or the physical environment, or the financial stability of the project.

The Housing Authority'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 that may adversely affect the health, safety, or welfare of other tenants or neighbors.

- Any history of criminal activity on the part of <u>any</u> 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 the 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 Housing Authority. 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. [24CFR 960.205(b)]

- Adversely affect the physical environment or financial stability of the project. [24CFR 960.205(b)]

- Violate the terms and conditions of the lease. [24CFR 8.3].

- Require services from Housing Authority staff that would alter the fundamental nature of the Housing Authority's program. [24 CFR 8.3]

<u>Rent Paying Habits</u>

The Housing Authority 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 8 years.

Based upon these verifications, the Housing Authority will determine if the applicant was chronically late with rent payments, was evicted at any time during the past 8 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.

Applicants will not be considered to have a poor credit history if they were late paying rent because they were withholding rent due to substandard housing conditions in a manner consistent

with a local ordinance; or had a poor rent paying history clearly related to an excessive rent relative to their income (using 50% of their gross income as a guide,) and responsible efforts were made by the family to resolve the nonpayment problem.

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 Housing Authority 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 Housing Authority'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 Housing Authority 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 Housing Authority 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

The following will be considered as examples of mitigating circumstances:

- 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 Housing Authority;
- 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 Housing Authority 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 which has been verified by the Housing Authority 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*;
- Preference category (if any) to which the family is entitled.

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 Housing Authority procedures, except for a pending Housing Authority 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 Housing Authority shall provide applicants an opportunity for an informal hearing (see Chapter titled "Complaints, Grievances, and Appeals").

Applicants who have requested a reasonable accommodation as a person with a disability and who have been determined eligible, but fail to meet the Applicant Selection Criteria, will be offered an opportunity for a second meeting to have their cases examined to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the screening procedures.

The Housing Authority will make every effort to accurately estimate an approximate date of occupancy. However, the date given by the Housing Authority 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 Housing Authority, such as turnover rates, and market demands as they affect bedroom sizes and project location.

Documenting Findings

An authorized representative of the Housing Authority 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 Housing Authority 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 Housing Authority 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 Housing Authority 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.

- **Abandonment of a Public Housing Unit** - without advising Housing Authority officials so that staff may secure the unit and protect its property from vandalism

- **Non-Payment of Rightful Obligations** - including rent and/or utilities and other charges owed to the Housing Authority or any other Housing Authority.

- **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 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.

- **Whether Applicant or Tenant is Capable of Maintaining the Responsibilities of Tenancy** - in the case of applicants for admission, the person's present living arrangements and a statement obtained from applicant's physician, social worker, or other health professional will be among factors considered in making this determination. The availability of a live-in attendant will be considered in making this determination.

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects.

The Housing Authority may waive the policies prohibiting admission in these circumstances if the person demonstrates to the Housing Authority's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and has successfully completed a supervised drug or alcohol rehabilitation program.

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

Resident Participation in the Screening Process

It is the Housing Authority's policy to encourage resident participation in the applicant intake and screening process. The Housing Authority recognizes that screening is only part of the occupancy cycle and for the Housing Authority-resident partnership to be effective, work is required both before and after admission. Given this policy the Housing Authority, in conjunction with its resident leaders, proposes the following areas of involvement:

Home visits: To work with residents to establish home visit inspection standards. To train residents on the standards and use residents along with the Housing Authority staff to conduct home visits.

Applicant pre-occupancy orientation: Attendance at pre-occupancy orientation is a requirement of the screening process. The Housing Authority and its residents will develop the agenda for this orientation to include such issues as rent, house rules, lease provisions, security, social services and utilities.

H. HEARINGS

If information is revealed that would cause the Housing Authority 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 Housing Authority's hearing procedures outlined in Chapter 13, Complaints, Grievances and Appeals.

Chapter 3

APPLYING FOR ADMISSION

INTRODUCTION

The policy of the Housing Authority 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 Housing Authority 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 Housing Authority's programs must complete a written application form when application-taking is open. For a person with a disability, an application will be made available in an accessible format upon request.

Persons with disabilities may call the Housing Authority to receive an application through the mail or make other arrangements to complete their pre-application.

Applications will be accepted at a central location for all waiting lists. The Housing Authority may be taking applications for only one program at a time or all programs at the same time.

The application process will involve two phases.

1. The first is the "initial" application for admission (referred to as a pre-application). This first phase is to determine the family's eligibility for and placement on the waiting list.

   The pre-application will be dated, time-stamped and referred to the Housing Authority's Housing Department, where tenant selection and assignment is processed.

2. The second phase is the "final determination of eligibility for admission" (referred as the full application). The full application takes place when the family reaches the top of the waiting list. At this time, the Housing Authority ensures that verification of all HUD and Housing Authority eligibility factors is current in order to determine the family's eligibility for an offer of a suitable unit.

B. "INITIAL" APPLICATION PROCEDURES

The Housing Authority will utilize a preliminary-application form (pre-application) for the initial application for public housing. The application is taken in person and the data is entered into the computer. The application may also be mailed to the applicant.

The purpose of the pre-application is to permit the Housing Authority to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list.

Translation will be provided for non-English speaking applicants.

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

- Names of the head-of-household and spouse
- Names of all members, race/ethnicity, dates of birth, ages, social security numbers and driver's license numbers for all adults
- Street address and phone numbers, mailing address (if P.O. Box will be used)
- Previous addresses
- Landlord references
- Questions regarding previous participation in HUD programs
- Annual income and sources of income for all members
- Information regarding request for reasonable accommodation or for accessible unit
- Arrests/Convictions for Drug Related or Violent Criminal Activity
- Signed release to obtain a background check
- Emergency contact person and address

Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

Interviews on pre-applications will be conducted only as needed. The Housing Authority reserves the right to verify as much information as it deems necessary to determine the applicant's eligibility. Final eligibility will be determined when the full application process is completed and all information is verified.

Applicants will be required to inform the Housing Authority of any changes in family composition, income, address, as well as any changes in their Preference status. A form must be completed for his purpose.

Applicants are also required to respond to requests from the Housing Authority to update information on their application and indicate their continued interest in the program assistance.

Failure to provide information or to respond to mailings will result in the applicant being

removed from the waiting list. (See Chapter on Complaints, Grievances and Appeals.)

C. NOTIFICATION OF APPLICANT STATUS

If after a review of the pre-application the family is determined to be preliminarily eligible, they will be notified in writing.

This written notification of preliminary eligibility will be mailed to the applicant.

If the family is determined to be ineligible based on the information provided in the pre-application, the Housing Authority will notify the family in writing, state the reason(s) and inform them of their right to an informal hearing. Persons with disabilities may request to have an advocate attend the informal hearing as an accommodation. See Chapter on "Complaints, Grievances and Appeals."

D. COMPLETION OF A FULL APPLICATION

All preferences claimed on the pre-application or while the family is on the waiting list will be verified:

- After the family is selected from the waiting list and prior to completing the full application.

The qualification for preference must exist at the time the preference is verified regardless of the length of time an applicant has been on the waiting list because the preference is based on current status.

Applicants on the waiting list who will be selected in the near future will be sent a letter (see Chapter on Tenant Selection and Assignment Plan). The letter will request the applicant to call to make an appointment for an application interview and provide the necessary information to verify the information provided by the applicant. These documents may be used for verification if third party verification cannot be obtained.

When the Housing Authority is ready to select an applicant, after the preference is verified, the Housing Authority will inform the applicant that an appointment has been scheduled, applicants will be required to:

- **Complete a full application in their own handwriting, unless assistance is needed, or a request for accommodation is made by a person with a disability. The applicant will then be interviewed by the Housing Authority staff to review the information on the full application form.**

Requirement to Attend the Interview

The Housing Authority utilizes the full application to interview and discuss the family's circumstances in greater detail, to clarify the information that has been provided by the family and to ensure that the information is complete. The interview is also used as a vehicle to analyze

the

family's needs and advise them as to other Housing Authority services or programs that may be available.

All adult family members must attend the interview and sign the housing application and related forms. Exceptions may be made for adult students attending school out of state or for members for whom attendance would be a hardship due to a disability.

It is the applicant's responsibility to reschedule the interview if s/he misses the appointment. If the applicant does not reschedule or misses two-scheduled meeting(s), the Housing Authority will reject the application and deny admission to the program.

If an applicant fails to appear for a pre-scheduled appointment, the Housing Authority will automatically schedule a second appointment. If the applicant misses the second appointment without prior approval, the application is denied.

Reasonable accommodation will be made for persons with a disability that require an advocate or accessible offices. The designee will be allowed to provide and receive some information, but only with the written permission of the person with the disability.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal hearing. (See Chapter on Complaints, Grievances and Appeals).

All adult members must sign form HUD-9886, "Release of Information," and the declarations and consents related to citizenship/immigration status and any other documents required by the Housing Authority. 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 release as required by the Housing Authority.

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 preferences, eligibility and rent calculation.

If the Housing Authority determines at or after the interview that additional information or document(s) are needed, the Housing Authority will request the document(s) or information. The family will be given 5 working days to supply the information. If the information is not supplied in this time period, the Housing Authority will provide the family a notification of denial of assistance. (See Chapter on Complaints, Grievances and Appeals).

E. PROCESSING APPLICATIONS

As families approach the top of the waiting list, the following are some of the items that will be verified to determine qualification for admission to the Housing Authority's program:

- Preference verification

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

F. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

After the verification process is completed, the Housing Authority will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the Housing Authority and the tenant suitability determination (see Chapter on Eligibility for Admission).

Because HUD can make changes in rules or regulations and family circumstances may have changed during the review process that may affect an applicant's eligibility, the eligibility process is not considered final until it the family has been informed that a "final" determination of eligibility has been made. 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

(Includes Preferences and Management of the Waiting List)

[24 CFR 960.204]

INTRODUCTION

It is the Housing Authority of the City of Calexico's policy that each applicant shall be assigned an appropriate place on a Citywide waiting list. Applicants will be listed in sequence based upon date and time the application is received, the size and type of unit they require and factors of preference or priority. In filling an actual or expected vacancy, the Housing Authority will offer the dwelling unit to an applicant in the appropriate sequence. The Housing Authority will continue to offer the unit until it is accepted. This Chapter describes the Housing Authority's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list.

Housing Authority's Objectives

Housing Authority's policies will be followed consistently and will affirmatively further HUD's fair housing goals.

It is the Housing Authority'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.

When appropriate units are available, families will be selected from the waiting list in their preference-determined sequence.

By maintaining an accurate waiting list, the Housing Authority 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 Housing Authority'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 Housing Authority will administer its waiting list as required by 24 CFR Part 5, Subparts E and F, Part 945 and 960.201 through 960.215. 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 the order of date and time of the application receipt.
- Applications will be placed on the waiting list in accordance with the preference(s) that they qualfy for.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income eligibility requirements as established by HUD.

Opening and Closing the Waiting Lists

The Housing Authority will open it's waiting lists (Public Housing, Section 8 and Calexico Gardens) year round. Applications will be provided and accepted every Thursday of the month, with the exception of a Thursday being observed on a holiday, if such occurs, applications will be provided and accepted the following Thursday.

The Housing Authority will advertise one time of the year round open waiting list through public notice, 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.

The Housing Authority, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The Housing Authority may open or close the list by local preference category.

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify for a local preference, and the ability of the HA to house an applicant in an appropriate unit within a reasonable period of time.

The notice will contain:

- The dates, times, and the locations where families may apply
- The programs for which applications will be taken
- Limitations, if any, on who may apply

The notices will provide potential applicants with information that includes the Housing Authority 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 Housing Authority may suspend the acceptance of applications if there are enough Local Preference holders to fill anticipated openings for the next 12 months or as per discretion of the Executive Director.

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 Housing Authority will not maintain a list of individuals who wish to be notified when the waiting list is open.

The Housing Authority will not announce suspension of application-taking.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next 12 months. When the period for accepting applications is over, the Housing Authority will add the new applicants to the list by:

- Unit size, local preferences priority and date and time of application receipt.

The Housing Authority will update the waiting list every two years 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 Housing Authority will advise families of their responsibility to notify the Housing Authority when mailing address or telephone numbers change.

Reopening the List

If the waiting list is closed and the Housing Authority decides to open the waiting list, the Housing Authority will publicly announce the opening.

Any reopening of the list is done in accordance with the HUD requirements.

Even though there are enough applicants on the waiting list to fill the turnover within the next 12 months, if there are not enough applicants who claim a local preference, the Housing Authority may elect to accept applications from applicants who claim a local preference ONLY, and continue to keep the waiting list closed.

Limits on Who May Apply

When the waiting list is open, the following people can apply:

- Any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete an application.

- Depending upon the composition of the waiting list with regard to family types and preferences and to better serve the needs of the community, at times the Housing Authority may only accept applications from:
    - Applicants needing a certain bedroom size unit

When the application is submitted to the Housing Authority, 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. Multiple families are encouraged to apply separately even though they reside in the same dwelling.

B. WAITING LIST PREFERENCES

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet the Housing Authority's Selection Criteria as defined in this policy.

The Housing Authority's preference system will work in combination with requirements to match the characteristics for the family to the type of unit available, including units with targeted populations and further deconcentration of poverty in public housing. When such matching is required or permitted by current law, the Housing Authority will give preference to qualified families.

Families who reach the top of the waiting list will be contacted by the Housing Authority to verify their preference and, if verified, a full application will be completed for occupancy. **A**pplicants must complete the application for occupancy and continue through the application processing and may not retain their place on the waiting list if they refuse to complete their processing when contacted by the Housing Authority.

Among applicants with equal preference status, the waiting list will be organized by date and time of the applications.

An applicant will not be granted any preference if any member of the family has been evicted from any federally assisted housing during the past ten years because of drug-related criminal activity.

The Housing Authority will grant an exception to such a family if the evicted person was not involved in the drug related activity that occasioned the eviction.

If an applicant makes a false statement in order to qualify for a Local preference, the Housing Authority will deny admission to the program for the family**.**

Local Preferences

Local preferences will be used to select among applicants on the waiting list.

The Housing Authority uses the following Local Preferences:

Working preference (24 CFR 5.415): for families with at least one adult who is employed and has been employed for 6 month within the year of being offered a dwelling. This preference is extended equally to an applicant whose head or spouse are age 62 or older or are receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work

Graduates or participants in educational and training programs preference: for families with at least one adult who has completed 6 months of educational and training programs designed to prepare the individual for the job market. The completion of the 6 months must be within the year of being offered a dwelling.

Graduates of Transitional Housing Programs preference: Families participating in the city's homeless transitional housing program.

Elderly/Disabled preference: this includes families whose head or spouse are age 62 or older or who have a permanent disability.

Veteran preference: Veterans or surviving spouses of veterans, as defined by the State of California.

Resident preference: This includes families who reside in the City of Calexico and who can provide the following:

Lease Agreement or Rent Statements

Gas Statements

Electric Statements

Water Statements

School verification

Bank verification

In order to qualify for the preference three of the six verifications must be provided within the past six months of being offered a dwelling.

C. FACTORS OTHER THAN PREFERENCES THAT AFFECT SELECTION OF APPLICANTS

Before applying its preference system, the Housing Authority will first match the characteristics

of the available unit to the applicants available on the waiting lists. Factors such as unit size, accessible features, deconcentration or income mixing, income targeting, or units in housing designated for the elderly limit the admission of families to those characteristics that match the characteristics and features of the vacant unit available.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application.

Any admission mandated by court order related to desegregation or Fair Housing and Equal Opportunity will take precedence over the Preference System. Other admissions required by court order will also take precedence over the Preference System. If permitted by the court order, the Housing Authority may offer the family a housing voucher.

D. INCOME TARGETING

The Housing Authority will monitor its admissions to ensure that at least 40 percent of families admitted to public housing in each fiscal year shall have incomes that do not exceed 30% of area median income of the Housing Authority's jurisdiction.

Hereafter families whose incomes do not exceed 30% of area median income will be referred to as "extremely low income families."

The Housing Authority shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRA by admitting less than 40 percent of "extremely low income families" to public housing in a fiscal year, to the extent that the HA has provided more than 75 percent of newly available vouchers and certificates to "extremely low income families." This fungibility provision discretion by the Housing Authority is also reflected in the Housing Authority Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40 percent of admissions to public housing for extremely low income families by the lowest of the following amounts:

- The number of units equal to 10 percent of the number of newly available vouchers in the fiscal year; or

- The number of public housing units that:

  1. Are in public housing projects located in census tracts having a poverty rate of 30% or more

  2. Are made available for occupancy by and actually occupied in that year by, families other than extremely low-income families.

The Fungibility Floor: Regardless of the above two amounts, in a fiscal year, at least 30% of the Housing Authority's admissions to public housing will be to extremely low-income families. The

fungibility floor is the number of units that cause the Housing Authority's overall requirement for housing extremely low-income families to drop to 30% of its newly available units.

Fungibility shall only be utilized if the Housing Authority is anticipated to fall short of its 40% goal for new admissions to public housing.

Very Low-Income Family Admissions

Once the Housing Authority has met the 40% targeted income requirement for new admissions of extremely low-income families, the Housing Authority may fill the remainder of its new admission units with families whose incomes do not exceed 50% of the HUD approved area median income.

Combining Low and Very Low-Income Family Admissions

Once the Housing Authority has met the 40% targeted income requirement for new admissions of extremely low-income families, the Housing Authority may fill the remaining 60% of its new admission units, with both low and very low-income families, by combining the 10%, 20%, 30% and 40% of very low-income families and the 10%, 20%, 30% and 40% of the low income families.

E. UNITS DESIGNATED FOR THE DISABLED

In accordance with the 1992 Housing Act, disabled families with a head, spouse or sole member who qualifies as a person with disabilities as defined in 24 CFR 945.105 will receive a preference for admission to units that are classified as Section 504 Accessible Units.

The Housing Authority has units designed for persons with mobility, sight and hearing impairments, referred to as accessibility units. These units were rehabilitated 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 given to families with disabled family members who require the modifications or facilities provided in the units.

F. GENERAL OCCUPANCY UNITS

General occupancy units are designed to house all populations of eligible families. In accordance with the Housing Authority's occupancy standards, eligible families not needing units designed with special features or units designed for special populations will be admitted to the Housing Authority's general occupancy units.

The Housing Authority will use its local preference system as stated in this chapter for admission of eligible families to its general occupancy units.

G. DECONCENTRATION OF POVERTY AND INCOME-MIXING

The Housing Authority admission policy is designed to provide for deconcentration of poverty

and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects.

Gross annual income is used for income limits at admission and for income-mixing purposes.

Skipping of a family on the waiting list specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met.

The HA will use the gathered tenant incomes information in its assessment of its public housing developments to determine the appropriate designation to be assigned to the project for the purpose of assisting the Housing Authority in its deconcentration goals.

Deconcentration and Income-Mixing Goals

Admission policies related to the deconcentration efforts of the Housing Authority do not impose specific quotas. Therefore, the Housing Authority will not set specific quotas, but will strive to achieve deconcentration and income-mixing in its developments.

Project Designation Methodology

The Housing Authority will determine and compare the tenant incomes at the developments listed in this Chapter and the incomes of census tracts in which the developments are located. Upon analyzing its findings the Housing Authority will apply the policies, measures and incentives listed in this Chapter to bring higher income families into lower income developments and lower income families into higher income developments.

The Housing Authority's goal is to have eligible families having higher incomes occupy dwelling units in projects predominantly occupied by eligible families having lower incomes, and eligible families having lower incomes occupy dwelling units in projects predominantly occupied by eligible families having higher incomes.

Families having lower incomes include very low and extremely low-income families.

Skipping of families for deconcentration purposes will be applied uniformly to all families.

When selecting applicant families and assigning transfers for a designated project the Housing Authority may determine whether the selection of the family will contribute to the Housing Authority's deconcentration goals.

H. VERIFICATION OF PREFERENCE QUALIFICATION [24 CFR 5.415]

The family may be placed on the waiting list upon their certification that they qualify for a preference. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list and ranked without the Local Preference and given an opportunity for a review.

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the HA in writing when their circumstances change. When an applicant claims an additional preference, s/he will be placed on the waiting list in the proper order of their newly-claimed preference.

I. PREFERENCE DENIAL [24 CFR 5.415]

If the HA denies a preference, the HA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for a review. The applicant will have 10 working days to submit the written request for a meetin**g.** If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

J. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST

The Housing Authority 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 applicant must request to be placed on both lists. If the public housing waiting list is open at the time an applicant applies for Section 8, the applicant must request to be placed on both lists

K. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 960.204(a)]

The waiting list may be purged every 3 years 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 10 calendar days to any mailings that HACC sends to the applicant, 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 a letter is returned with a forwarding address, it will be re-mailed to the address indicated and will be given an additional 10 calendar days.

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 with the prescribed period due to their disability or hospitalization. An extension to reply to the purge notification will be considered as an accommodation if requested by a person with a disability.

Applicants are notified that they are responsible for notifying the Housing Authority within 10 calendar days if they have a change of address.

L. OFFER OF ACCESSIBLE UNITS

The Housing Authority 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 Housing Authority will offer such units:

- First, to a current occupant of another unit of the same development or other public housing developments under the Housing Authority'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 Housing Authority 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.

M. PLAN FOR UNIT OFFERS

The Housing Authority 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 that the first qualified applicant in sequence on the waiting list will be made one offer of a unit of the appropriate size. If the unit offered is not accepted with a *good cause*, the Housing Authority staff will proceed to move the family to the bottom of the waiting.

If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

The Housing Authority 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.

N. 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).

O. APPLICANT STATUS AFTER FINAL UNIT OFFER

When an applicant rejects the final unit offered by the Housing Authority, the applicant will be removed from the waiting list.

P. TIME-LIMIT FOR ACCEPTANCE OF UNIT

Applicants must accept a unit offered within 1 working day of the date the offer is made. If unable to contact an applicant by telephone, the Housing Authority 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 disabled designated housing. [24 CFR 945.303(d)]

- Inaccessibility to source of employment or children's day care such that an adult household member must quit a job, drop out of an educational institution or a job training program

- The unit is inappropriate for the applicant's disabilities.

Applicants With a Change in Family Size or Status

The family will take the appropriate place on the waiting list according to the date they first applied.

Q. REFUSAL OF OFFER

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

If the unit offered is refused for other reasons, the Housing Authority will follow the applicable policy as listed in the "Plan for Unit Offers" section and the "Applicant Status After Final Offer" section.

Chapter 5

OCCUPANCY GUIDELINES

INTRODUCTION

The Occupancy Guidelines are established by the Housing Authority 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 Housing Authority does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. The Housing Authority'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 as determined by the court.

All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be so assigned that:

- Adults of different generations, persons of the opposite sex (other than spouses) and unrelated adults will not be required to share a bedroom.
- Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 2.
- 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.
- Single person families shall be allocated one bedroom.
- The living room may be used as a bedroom.

GUIDELINES FOR DETERMINING BEDROOM SIZE

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

B. EXCEPTIONS TO OCCUPANCY STANDARDS

The Housing Authority will grant exceptions from the guidelines in cases where it is the family's request and the Housing Authority determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstance(s) 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 or they have occupied the unit for at least 3 years.**

- For a three-person family that includes two adults and an infant, the Housing Authority may allow the family to lease a one-bedroom unit in a desired general occupancy project. However, the Housing Authority will not lease a one-bedroom unit to a three-person family that includes two adults and an adolescent or teenager.

- In cases such as those above, a family that voluntarily accepts a unit that is smaller than what the family is eligible for, will be required to sign a statement stating that unless there is an increase in family size the family agrees that they are not eligible for transfer to a larger unit for at least 3 years.

- The Housing Authority may offer a family a unit that is larger than required by the Housing Authority's occupancy standards, if the waiting list is short of families large enough to fill the vacancy.

- In all cases, where the family requests an exception to the general occupancy standards, the Housing Authority will evaluate the relationship and ages of all family members and the overall size of the unit.

The family may request to be placed on a larger bedroom size waiting list than indicated by the Housing Authority's occupancy guidelines. The request must explain the need or justification for a larger bedroom size and must be verified by the Housing Authority before the family is placed on the larger bedroom size list. The Housing Authority will consider these requests:

- **Person with Disability**

  The Housing Authority will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is appropriately verified and meets requirements in the "Service and Accommodations Policy" section of Chapter 1.

- **Other Circumstances**

  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 doctor.

The Housing Authority 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 Housing Authority. 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 Housing Authority within 10 days.

To avoid vacancies, the Housing Authority may provide a family with a larger unit than the occupancy standards permit. The family must agree to move to a suitable, smaller unit 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 Housing Authority has 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 given to families with disabled family members who require the modifications or facilities provided in the units.

No non-mobility-impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Accessible units will be offered and accepted by non-mobility impaired applicants only if there are no applicants on the waiting list that require an accessible unit and with the understanding 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.

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 Executive Director or his/ her designee who will make determination after review of the situation, the individual circumstances, and the verification provided.

Chapter 6

DETERMINATION OF TOTAL TENANT PAYMENT

24 CFR 5.609, 5.611, 5.613, 5.615]

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 allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F 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 HACC's policies in this Chapter address those areas that allow the Housing Authority 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.

A. MINIMUM RENT

The minimum rent for this Housing Authority is $50.00.

The Total Tenant Payment is the greater of:

- 30% of the adjusted monthly income
- 10% of the monthly gross income
- The minimum rent as established by the Housing Authority

The minimum rent refers to a minimum Total Tenant Payment and not a minimum Tenant Rent.

The Total Tenant Payment does not include charges for excess utility consumption or other charges. Housing Authority recognizes that in some instances even the minimum rent may create a financial hardship for families. The Housing Authority will review all relevant circumstances brought to the Housing Authority's attention regarding financial hardship as it applies to minimum rent. The following section states the Housing Authority's procedures and policies regarding minimum rent financial hardship as set forth by the QHWRA.

B. INCOME AND ALLOWANCES

Income: The types of money that is to be used as income for the purpose of calculating the TTP are defined by HUD in the federal regulations. In accordance with this definition, income from

each member of the household, from all sources, 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 the certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions. Annual income is used to determine whether or not applicants are within the applicable income limits. (24 CFR 5.607)

Adjusted Income is defined as the Annual income minus any HUD allowable deductions.

Permissive Deductions

The Housing Authority does not adopt any additional permissive deductions to the annual income of the tenants.

Allowable Deductions

HUD has five allowable deductions from Annual Income:

1. 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.

2. "Elderly" allowance: $400 per household for families whose head or spouse is 62 or over or disabled.

3. Allowable medical expenses for all family members are deducted for elderly and disabled families.

4. Childcare expenses for children under 13 are deducted when childcare is necessary to allow an **adult** member to work, attend school, or actively seek employment.

5. 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 [24 CFR 5.609(c)]

The Housing Authority believes that training income exclusions are an important factor in helping public housing participants move from welfare and dependence to greater self-sufficiency.

The Housing Authority will share information regarding new policies governing training income derived from qualifying employment training programs with applicants, participants and local social service providers. The Housing Authority's objective is to encourage families to move toward self-sufficiency by excluding from their annual income certain amounts earned through participation in various qualifying training programs. These training programs are aimed at offering the resident gainful employment skills. The exclusion of training income, in the calculation of annual income, is meant to be an incentive. It is the Housing Authority's hope that Welfare agencies will adopt or modify their programs so that welfare recipients living in Public Housing will receive the maximum benefits from these income exclusions.

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.

There are two types of training programs that are eligible for one or more types of income exclusion:

1. Training Income Exclusions in Accordance with 24 CFR 5.609(c)(8)(v)

The first type of training program is in accordance with 24 CFR 5.609 (c) (8)(v) and has features that allow the training income of assisted housing residents to be excluded only while the resident is actively enrolled in the training program.

A training program qualifying under 24 CFR 5.609 (c)(8)(v) 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 the following:

- Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs.

2. Training Income Exclusions in Accordance with 24 CFR 5.609(c) (13)

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 Housing Authority will determine that this training program has all five components required by HUD. It must be:

- a program providing employment training and supportive services;
- authorized by a Federal, State or Local law;
- funded by the Federal, State or local government;
- 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 the following:

- 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 enrolled 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 85% 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

Since income prior to training must be established to determine the incremental earnings, in cases where a resident claims to have no income just prior to enrolling in a training program, the Housing Authority will use income of any source received by the family within the prior six to twelve months.

If a resident has no income the day they enter a training program, but has a history of employment in the past, the Housing Authority 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 goes 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 Housing Authority within ten 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 Housing Authority 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 Housing Authority within ten working days of starting a training program, and have a decrease in income, will not have their rent adjusted retroactively.

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 would be decreased or eliminated for a period of time.

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

Mandatory earned income disallowance, effective 10/1/99, replaces 5.609(c)(13). Current families may

continue with training income exclusions as long as they would have qualified by 9/30/99.

D. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS

The rent for eligible families may not be increased as a result of the increased income due to such employment during the 12-month period beginning on the date on which the employment begins.

A family eligible for the earned income exclusion is a family that occupies a dwelling unit in a public housing project; and

- Whose income increases as a result of employment of a member of the family who was previously unemployed for one or more years;
- Whose earned income increases during the participation of a family member in any family self-sufficiency or other job training program; or
- Who is or was, within six months, assisted under any State program for TANF and whose earned income increases.

Upon the expiration of the 12-month period referred to above, the rent payable by a family may be increased due to the continued employment of the family member above. In the second twelve-month period, the Housing Authority will exempt from income 50% of the income increment. This will be done by comparing the amount of the family member's income before the beginning of the qualifying employment to the amount of such income after beginning the employment. It is this amount that is subject to be disregarded.

The family may receive this disallowance only as follows:

- The disallowance is limited to one forty-eight month period from the beginning of the first month after the commencement of the qualifying employment of an individual family member; and
- During this forty-eight month period, for a maximum of twelve months, the incremental increase is disregarded and a for a maximum of twelve months, 50% of the incremental increase is disregarded.
- If the period of increased income does not last twelve consecutive months, the disallowance period may be resumed at any time within the 48-month period. However, each qualifying family member is only entitled to a total 12 months of each disallowance.
- The disallowance of an incremental increase of income as a result of employment is only applied to determine the annual income of families residing in public housing units, not to

determine annual income of applicants for purposes of income eligibility or targeting.

The Housing Authority will conduct an interim reexamination to institute the earned income exclusion. Date of exclusion will begin retroactively to the date employment begins.

E. TRAINING PROGRAMS FUNDED BY HUD

All training income from a HUD sponsored or funded training program, whether incremental or not, is excluded from the resident's annual income while the resident is in training. Income from a Resident Services training program, which is funded by HUD, is excluded.

Upon employment with the Housing Authority, the full amount of employment income received by the person is counted. There is no 18-month exclusion of income for wages funded under the 1937 Housing Act Programs, which includes Public Housing and Section 8.

F. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the Housing Authority will:

- Annualize current income and conduct an interim reexamination if income changes.
- 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 for the next annual recertification.
- An estimate can be made for those families whose income fluctuates from month to month. An estimate of the past three income will be used so that the housing payment will not change from month to month.

All income must be reported, including income from a minor.

G. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income will be required by the Housing Authority to provide documentation to prove income on a quarterly basis. If the income has changed, an interim recertification will be performed.

Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc. Families must fill out required form provided by the Housing Authority.

The Housing Authority will request credit checks for all adult members of families that report zero income.

Where credit reports show credit accounts open and payments current, the Housing Authority will take action to investigate the possibility of fraud or program abuse.

H. 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 Housing Authority will calculate the Total Tenant Payment by:

- ✍ Excluding the income of the person permanently confined to the nursing home and not giving the family deductions for medical expenses of the confined family member.

I. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609(a)(7)]

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 4 months out of the year or more frequently will be considered a "regular" contribution or gift, unless the amount is less than $25.00 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 Housing Authority will make inquiry of the family about contributions and gifts.

J. ALIMONY AND CHILD SUPPORT [24 CFR 5.609(a)(7)]

Annual income includes alimony and child support and regular contributions received by any family member whether or not they have been awarded by the court. Court-awarded contributions will be counted unless the family certifies that payments are not being made and has taken all reasonable legal actions to collect amounts due, including filing with the appropriate courts or agencies responsible for enforcing payment.

Court-awarded payments or contributions such as child support, alimony, or maintenance will be counted as annual income. Families are required to provide the PHA a copy of such court orders.

The Housing Authority will accept as verification that the family is receiving an amount less than the award if:

- ✍ The Housing Authority receives verification from the agency responsible for enforcement or collection.

It is the family's responsibility to supply a certified copy of the divorce decree.

If the parent states he/she is not receiving a monetary amount, but instead receiving food, clothing, etc. from absent parent a table that has been established by the Housing Authority will be used to determine the amount of that will be considered as income.

K. LUMP-SUM RECEIPTS [24 CFR 5.609(b)(5)(c)]

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, 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 Housing Authority will calculate prospectively if the family reported the payment within 10 days and retroactively to date of receipt if the receipt was not reported within that time frame.

1. 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 as follows:

   ✍ The entire lump-sum payment will be added to the annual income at the time of the interim.

2. Retroactive Calculation Methodology:

   ✍ The Housing Authority will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

   ✍ The Housing Authority 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 Housing Authority.

   ✍ At the Housing Authority's option, the Housing Authority 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.

L. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS

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

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

M. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE & CHECKING AND/OR SAVINGS ACCOUNTS:

The Housing Authority must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The Housing Authority 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 Housing Authority's minimum threshold for counting assets disposed of for less than Fair Market value is $2,000. If the total value of assets disposed of within the two-year period is less than $1,999, they will not be considered an asset.

All family members will be required to provide bank statements for checking and savings accounts for the previous 6 months if banking organization does not supply this information.

All assets must be reported, including assets from a minor.

N. CHILD CARE EXPENSES

Unreimbursable child care expenses for children under 13 may be deducted from annual income if they enable an adult, within the assisted household on the contract, to work, attend school full time, or actively seek employment.

In the case of a child attending private school, only before or after-hours care can be counted as childcare expenses.

Childcare expenses must be reasonable. Reasonable is determined by what the average childcare rates

are in the Housing Authority's jurisdiction. Chart is provided by the Housing Authority.

Allowability of deductions for childcare 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 childcare may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).

Amount of Expense: The Housing Authority will survey the local care providers in the community to determine what is reasonable. The Housing Authority will use the collected data as a guideline. If the hourly rate materially exceeds the guideline, the Housing Authority will calculate the allowance using the guideline.

O. MEDICAL EXPENSES [24 CFR 5.603]

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.

Nonprescription medicines must be doctor-recommended in order to be considered a medical expense. Tenant must provide a physician's statement from a physician in the U.S.

Chiropractic services will be considered allowable medical expenses.

Only medical expenses that are incurred in the U.S. will be accepted.

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 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 Assistance Calculation

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 family's TTP will be calculated by:

- Multiplying the Member Maximum Subsidy by the number of eligible family members to determine Eligible Subsidy.

Q. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

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

- Fraud; or
- Failure to participate in an economic self-sufficiency program; or
- Noncompliance with a work activities requirement

However, the Housing Authority 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 that 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.

Verification Before Denying a Request to Reduce Rent

The Housing Authority 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 Housing Authority has taken a proactive approach to culminating an effective working relationship between the Housing Authority of the City of Calexico and the I.C. Department of Social Services for the purpose of targeting economic self- sufficiency programs throughout the community that are available to public housing residents.

The Housing Authority and the Department of Social Services 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.

R. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

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 utilities in an energy conservative household, *not* on a family's actual consumption.

When the Utility Allowance exceeds the family's Total Tenant Payment, the Housing Authority will provide a Utility Reimbursement Payment for the family three times per year. The check will be made out directly to the tenant.

Resident-Paid Utilities

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

Paying the utility bill is the resident's obligation under the lease. Failure to pay utilities is grounds for eviction.

S. EXCESS UTILITY PAYMENTS

Residents in units where the Housing Authority 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. [24CFR 966.4(b)(2)].

T. FAMILY CHOICE IN RENTS

Authority for the Family to Select

The Housing Authority will 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.

Allowable Rent Structures

✍ **Flat Rents:** The Housing Authority has established, for each dwelling unit in public housing, a flat rental amount for the dwelling unit, that is:

1. Based on the rental value of the unit, as determined by the Housing Authority and the Fair Market Rent of the area; and

2. 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 Housing Authority shall review the income of families paying a flat rent not less than once every three years.

✍ **Income-Based Rents:** The monthly Total Tenant Payment amount for a family shall be an amount, as verified by the Housing Authority, that does not exceed the greatest of the following amounts:

1. Thirty percent of the family's monthly adjusted income;

2. Ten percent of the family's monthly income; or

3. The Housing Authority's Minimum TTP of $50.00.

The Housing Authority will set income-based rents at 30% of the monthly adjusted income, not less than the Minimum TTP.

Annual Reexamination

At least 90 days in advance of the annual reexamination, the family will be sent a form from the Housing Authority, on which the family will indicate the members in the household, their income and assets, deductions and other pertinent information. Also, the family must state whether they choose the flat rent or income-based rent. The Housing Authority form will state what the flat rent would be.

✍ If the family indicates they choose the flat rent, the form will be retained in the tenant file.

If the family indicates they choose income-based rent, a reexamination appointment will be scheduled according to Housing Authority policy.

U. THE HOUSING AUTHORITY'S FLAT RENT METHODOLOGY

The Housing Authority has set a flat rent for each public housing unit, based on the reasonable market value of the unit. The Housing Authority's methodology is described as follows:

An analysis was performed of the housing market within the City of Calexico, the Housing Authority's jurisdictional area. The information of the Section 8 database was used to compare units of the same structure, building type, bedroom size, etc. Based on this information, the Housing Authority has adopted the flat rents. These amounts will be revised annually. The current flat rents have been established for the following developments:

Rockwood & Heber Homes, W.H. Going Homes, Higuera Homes, Escalante Plaza

Unit Size	Flat Rent
1 Bedroom	$450.00
2 Bedrooms	$550.00
3 Bedrooms	$675.00
4 Bedrooms	$800.00

Casas del Sol & Willie Moreno Homes

2 Bedrooms	$600.00
3 Bedrooms	$800.00
4 Bedrooms	$925.00
5 Bedrooms	$1050.00

Chapter 7

VERIFICATION PROCEDURES

[24 CFR 5.617, 24 CFR 960.206]

INTRODUCTION

HUD regulations require that the Housing Authority verify factors of eligibility and Total Tenant Payment. Applicants and program tenants must furnish proof of their statements whenever required by the Housing Authority, and the information they provide must be true and complete. The Housing Authority's verification procedures are designed to meet HUD's requirements and to maintain program integrity. This Chapter explains the Housing Authority's procedures and standards for verification of preferences, income, assets, allowable deductions, family status and when there are changes in family members. The Housing Authority 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 Housing Authority will verify information through the four methods of verification acceptable to HUD in the following order:

1. **Third-Party Written**: The Housing Authority's first choice is a written third party verification to substantiate claims made by an applicant or resident. A faxed or e-mailed statement will serve as third-party verification as long as the original document is provided.

2. **Third-Party Oral**: The Housing Authority may also use telephone verifications.

3. **Review of Documents**: The Housing Authority will review documents, when relevant, to substantiate the claim of an applicant or resident.

4. **Self-certification Statement**: Self-certification/Self-declaration: When third-party verification or review of documents is not possible, families will be required to submit a self-certification.

The Housing Authority will not delay the processing of an application beyond two weeks because a third party information provider does not return the verification in a timely manner.

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

Regardless of these timeframes, Criminal History Reports will be useable as a valid verification for no longer than 90 calendar days.

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.

The Housing Authority will not accept verifications delivered by the family as third party documents except computerized printouts from the following agencies:

- Social Security Administration
- Veterans Administration
- Welfare Assistance
- Unemployment Compensation Board
- City or County Courts
- Pharmacies for prescription drugs
- Child Support

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 Housing Authority will compare the information to any documents provided by the Family. If provided by telephone, the Housing Authority 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 Housing Authority 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 Housing Authority will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Computer printed wage stubs
- Signed letters (provided that the information is notarized or confirmed by phone)

Other documents noted in this Chapter as acceptable verification:

- The Housing Authority will accept faxed documents that come directly from the third party.
- The Housing Authority will not accept photocopies, originals must be brought and the Housing Authority staff will make the copies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the Housing Authority will utilize the third party verification and investigate the case for fraud.

Notarized Statement

Self-certification/Self-declaration: When third-party verification or review of documents is not possible, families will be required to submit a self-certification. Self certification means a notarized statement.

B. RELEASE OF INFORMATION

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.

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 to supply any information requested by the Housing Authority or HUD.

C. COMPUTER MATCHING

Where allowed by HUD and/or other State or Local agencies and when the Housing Authority has computer capability, computer matching will be done.

D. ITEMS TO BE VERIFIED

The following items will be verified:

- All income.
- Zero-income status of the household.
- Zero income applicants and residents will be required to complete a family expense form at each certification or recertification interview. Recertifications may be done as often as quarterly to insure that the family's income has not changed.
- 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 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, valid driver's license, including birth certificates, naturalization documents.
- U.S. citizenship/eligible immigrant status.
- Social Security Numbers for all family members 6 years of age or older.
- Preference status, based upon Housing Authority preferences.
- Familial/Marital status when needed for head or spouse definition.
- Disability for determination of preferences, allowances or deductions.

E. VERIFICATION OF INCOME

This section defines the methods the Housing Authority will use to verify various types of income. Whenever "in this order" is used in this chapter, the Housing Authority will request and utilize verifications, if available, in the order specified.

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, in this order:

1. Employment verification form completed by the employer.
2. Check stubs or earning statements that indicate the employee's gross pay, frequency of pay or year to date earnings.
3. W-2 forms plus income tax return forms. The applicant/tenant will be required to certify that the copy of the income tax provided is true and correct and the reflected is an estimate of what they anticipate to receive for the following year.
4. Self-certification or 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 Housing Authority will require the most recent federal income tax statements and any other documentation as it deems necessary.

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

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

Acceptable methods of verification include, in this order:

1. Benefit verification form completed by agency providing the benefits
2. Computer report electronically obtained or in hard copy.
3. Award or benefit notification letters prepared by the providing agency.
4. Bank statements for direct deposits.

Unemployment Compensation

Acceptable methods of verification include, in this order:

1. Computer report electronically obtained or in hard copy, stating payment dates and amounts
2. Verification form completed by the unemployment compensation agency.
3. Payment Stubs

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

1. Housing Authority verification form completed by payment provider.
2. Computer-generated Notice of Action and/or copy of the welfare check.
3. 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, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
2. Copy of three months of the latest checks and/or payment stubs from Court Trustee. Housing Authority must record the date, amount, and number of the check.

3. A notarized letter from the person paying the support.

4. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

5. If payments are irregular, the family must provide one of the following:

- ✍ 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.

- ✍ A notarized affidavit from the family indicating the amount(s) received.

- ✍ A welfare Notice of Action showing amounts received by the welfare agency for child support.

- ✍ A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

In order to verify the net income from a business, the Housing Authority 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, in this order, include:

1. 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.

3. Audited or unaudited financial statement(s) of the business.

4. Credit report or loan application.

5. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.

5. The family's notarized statement as to net income realized from the business during previous years.

The Housing Authority may request the documentation identified in No. 4 above, regardless of the verification used.

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 family has filed a tax return, the family will be required to provide it.

Recurring Gifts

If the family receives gifts of money, payment of bills on their behalf and/or groceries, clothing, etc. and this happens at least twice within a 12 month period, this is considered to be a recurring gift.

The family must furnish a 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, SSI, etc. are not being received by the household.

The Housing Authority may request information from the State Employment Development Department, the IRS and/or check records of other departments (such as government utilities) that have information about income sources of the customers.

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Full-Time Student Status

Anyone of 18 years of age must report any income s/he receives. 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 are not counted towards family income, depending upon the funding source.

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.

F. INCOME FROM ASSETS

Family members must report all assets belonging to, or under the care of, anyone included in the application/lease. 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 Housing Authority 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, provided that the Housing Authority must adjust the information to project earnings expected for the next 12 months.

All family members will be required to provide bank statements for checking and savings accounts

for the previous 6 months if banking organization does not supply this information.

All assest must be reported, including assets from a minor.

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 recertification.

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.

4. 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 Housing Authority 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 Housing Authority 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 or a 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. 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, 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.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical and Handicapped Assistance 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:

- 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's of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

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.

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. Housing Authority 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 Housing Authority will use mileage at the Housing Authority's 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

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 Housing Authority will require applicants/tenants 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. military discharge (DD 214)

- ✍ 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
- School records

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

Verification of guardianship is:

- Court-ordered assignment
- Affidavit of parent
- Verification from social services agency

Evidence of an established family relationship:

- Joint bank accounts or other shared financial transactions
- Leases or other evidence of prior cohabitation
- Credit reports showing relationship

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 Housing Authority 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 Housing Authority 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, rehabilitation specialist, or licensed social worker from the United States, 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 Housing Authority hearing is pending.

- Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

- Eligible Immigrants who were tenants and 62 or over on June 19, 1995, 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 Housing Authority verifies the status through the INS SAVE system. If this primary verification fails to verify status, the Housing Authority 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 tenant families, 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 Housing Authority does not supply the documents, the Housing Authority must conduct the determination.

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 Housing Authority will 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.

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:

- Identification card issued by Medicare or Medical
- IRS Form 1099
- Verification of benefits or SSN from Social Security Administration

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 Housing Authority.

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 Housing Authority. The applicant/tenant or family member will have an additional 30 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 Housing Authority may grant an extension for an additional 60 days 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 and provide the document within 90 days.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a physician

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
- Housing Authority of the City of Calexico and Other Housing Authority's to whom the family may owe debt.

(See Chapter 2, 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 Housing Authority will determine if applicants owe any monies to from previous tenancy or participation in any HUD housing program.

- The Housing Authority may independently verify the rent-paying history of all applicants for the previous 6 years directly with the landlord(s).

Drug-related or violent criminal activity

The Housing Authority will complete a criminal background check of all applicants, including other adult members in the household, or any member for which criminal records are available.

Housekeeping

- The Housing Authority will obtain references from prior landlords for the previous 6 years to determine acceptable housekeeping standards.

- The Housing Authority will conduct a home visit prior to admission.

- Applicants will be required to attend pre-occupancy classes as a condition of admission.

K. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 5.410, 5.415, 5.430]

Local Preferences:

The Housing Authority uses the following Local Preferences:

Working preference: This preference is available for families with at least one adult member who has been employed for 6 months within the year of being offered a dwelling. This preference is extended equally to an applicant whose head or spouse are age 62 or older or are receiving social security disability, supplemental security income disability benefits or any other payments based on an individual's inability to work.

Graduates or participants in educational and training programs preference: for families with at least one adult who has completed 6 months of educational and training programs designed to prepare the individual for the job market. The completion of the 6 months must be within the year of being offered a dwelling.

Graduates of Transitional Housing Programs preference: Families participating in the city's homeless transitional housing program.

Elderly/Disabled preference: this includes families whose head or spouse are age 62 or older or who have a permanent disability.

Veteran preference: Veterans or surviving spouses of veterans, as defined by the State of California.

Resident preference: This includes families who reside in the City of Calexico and who can provide the following:

Lease Agreement or Rent Statements

Gas Statements

Electric Statements

Water Statements

School verification

Bank verification

In order to qualify for the preference three of the six verifications must be provided within the past six months of being offered a dwelling.

Chapter 16

GLOSSARY

I. TERMS USED IN DETERMINING 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. Annual income includes:

?? The full amount before any payroll deductions, of wages and salaries, overtime pay, commissions fees, tips and bonuses, and other compensation for personal services.

?? 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.

?? 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.

?? 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.

?? Payments in lieu of earnings, such as unemployment and disability compensation, workers' compensation, and severance pay.

?? All welfare assistance payments received by or on behalf of any family member. (24 CFR 913.106(b)(6) contains rules applicable to "as-paid" States).

?? 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.

?? All regular pay, special pay and allowances of a member of the Armed Forces (except special pay to a family member serving the Armed Forces who is exposed to hostile fire).

EXCLUSIONS FROM ANNUAL INCOME (24 CFR 5.609)

Annual income does not include the following:

?? Income from the employment of children (including foster children) under the age of 18 years;

?? 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);

?? Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health, and accident insurance and workers' compensation) capital gains, and settlement for personal property losses;

?? Amounts received by the family that are specifically for or in reimbursement of the cost of medical expenses for any family member.

?? Income of a live-in aide, provided the person meets the definition of a live-in aide.

?? 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 child care 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 HA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time.

?? 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 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 the period during which the family member participates in the employment training program.

?? Temporary, non-recurring, or sporadic income (including gifts).

?? 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.)

?? Earnings in excess of $480 for each full-time student 18 years old or older, (excluding the head of household and spouse).

?? Adoption assistance payments in excess of $480 per adopted child.

?? The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988 (42 U.S.C. 1437 et seq.), or any comparable Federal, State or local law during the exclusion period. For purposes of this paragraph the following definitions apply:

?? Comparable Federal, State or local law means a program providing employment training and supportive services that: (1) is authorized by a Federal, State or local law; (2) is funded by the Federal, State or local government; (3) is operated or administered by a public agency; and (4) has as its objective to assist participants in acquiring job skills.

?? Exclusion period means the period during which the resident participates in a program as described in this section plus 18 months from the date the resident begins the first job acquired by the resident after completion of such program that <u>is not</u> funded by public housing assistance under the U.S. Housing Act of 1937. If the resident is terminated from employment without good cause, the exclusion period shall end.

?? Earnings and benefits means the incremental earnings and benefits resulting from

a qualifying employment training program or subsequent job.

?? Deferred periodic payments from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

?? 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.

?? 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.

?? 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 as of August 3, 1933:

- ?? **The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;**
- ?? 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

?? **Payments received under the Alaska Native Claims Settlement Act. [43 USC 1626 (a)]**

?? Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes. [25 USC 459e]

?? Payments or allowances made under the Department of HHS' Low Income Home Energy Assistance Program. [42 USC 8624 (f)]

?? Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 USC 1552 (b)

?? Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L.94-540).

?? **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.**

?? 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.

?? **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.**

?? 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.

?? 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 ChildCare and Development Block Grant Act of 1990. (42 USC 9858q)

?? Earned income tax credit refund payments received on or after January 1, 1991. (26 USC 32)(j).

?? **Living allowances under Americorps Program (Nelson Diaz Memo to George Latimer 11/15/94)**

ADJUSTED INCOME

Annual income, less allowable HUD deductions.

All Families are eligible for the following:

?? ChildCare 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 deducted must be 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 HA when the expense is incurred to permit education.

?? Dependent Deduction. An exemption 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.

?? Handicapped Expenses. A deduction of unreimbursed 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 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 use by the handicapped or disabled family member.

?? For non-elderly families and elderly families without medical expense: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of Annual Income, provided the amount so calculated does not exceed the employment income

earned.

?? For elderly families with medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of Annual Income, (provided the amount does not exceed earnings) plus medical expenses as defined below.

?? For Elderly and Disabled Families Only:

?? Medical Expenses: A deduction of unreimbursed medical expenses, including insurance premiums anticipated for the period for which Annual Income is computed. Medical expenses include, 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. To be considered by the HA for the purpose of determining a deduction from the income, the expenses claimed must be verifiable.

?? For elderly families without handicapped expenses: The amount of the deduction shall equal total medical expenses less 3% 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.

?? Elderly/Disabled Household Exemption: An exemption of $400 per household.

II. GLOSSARY OF HOUSING TERMS

ACCESSIBLE DWELLING UNITS. When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit 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 FACILITY. All or any portion of a facility other than an individual dwelling unit used by individuals with physical handicaps.

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 HA and approved by HUD under which the HA 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.

CEILING RENT. An amount that reflects the reasonable market value of the housing unit, but not less than the sum of the monthly per-unit operating costs and a deposit to a replacement reserve. The family pays the lower of the ceiling rent or the formula tenant rent.

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.

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 older.

DESIGNATED FAMILY. The category of family for whom the HA elects to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 housing Act. (24 CFR 945.105)

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 PERSON. A person who is any of the following:

- ?? A person who has a disability as defined in section 223 of the Social Security Act. (42 USC 423).
- ?? A person who has a physical, mental, or emotional impairment that:
  - ?? Is expected to be of long-continued and indefinite duration;
  - ?? Substantially impedes his or her ability to live independently; and
  - ?? Is of such a nature that ability to live independently could be improved by more suitable housing conditions.
- ?? 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)).

DISABLED FAMILY. A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together or one or more persons with disabilities living with one or more live-in aides.

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. Term means:

- ?? Drug-trafficking; or

?? Illegal use, or possession for personal use of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

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)).

ELDERLY FAMILY. A family whose head or spouse or whose sole member is at least 62 years, or two or more persons who are at least 62 years of age or a disabled person. It may include two or more elderly, disabled persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well being.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBLE FAMILY (Family). A family is defined by the HA in the Admission and Continued Occupancy Plan.

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.

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 income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

FAMILY. The applicant must qualify as a family as defined by the HA.

FAMILY OF VETERAN OR SERVICEPERSON. A family is a "family of veteran or serviceperson" when:

?? The veteran or serviceperson (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.

?? The veteran or serviceperson, 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 a HA to promote self-sufficiency of assisted families, including the provision of supportive services.

FOSTER CHILDCARE 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 ASSISTANCE EXPENSES. Anticipated costs for care attendants and auxiliary apparatus for handicapped or disabled family members, which enable a family member (including the handicapped family member) to work.

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.

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). ("HA" and "Housing Authority" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. The Act in which the U.S. Housing Act of 1937 was recodified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PLAN. 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. 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 QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the Public Housing and Section 8 programs.

HUD. The Department of Housing and Urban Development or its designee.

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 INCOME. HUD passbook rate times the total cash value of assets, when assets exceed $5,000.

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.

INCOME TARGETING. The HUD admissions requirement that HAs 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.

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:

?? By exercise of the power of self-government of an Indian Tribe, independent of State law, or

?? 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 local preference, formerly known as a federal preference.

LANDLORD. Either the legal owner of the property, or the owner's representative or managing agent as designated by the owner.

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 HA to select among applicant families without regard to their date and time of application.

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.

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 anticipated during the period for which Annual Income is computed, and which are not covered by insurance. (Only Elderly Families qualify) The allowances are applied when medical expenses exceed 3% of Annual Income.

MINIMUM RENT. An amount established by the HA between zero and $50.00.

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 Annual Income after Allowances.

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. [Now referred to as Subsidy Standards] Standards established by a HA to determine the appropriate number of bedrooms for families of different sizes and compositions.

PARTICIPANT. A family that has been admitted to the HA program, and is currently assisted in the program.

PREMISES. The building or complex in which the dwelling unit is located including common areas and grounds.

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 "HA" includes an Indian housing authority (IHA). ("PHA" and "Housing Authority" mean the same thing.)

QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998. The Act which amended the U.S. Housing Act of 1937 and is known as the Public Housing Reform Bill. The Act is directed at revitalizing and improving HUD's Public Housing and Section 8 assistance programs.

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.

RESPONSIBLE ENTITY. For the public housing, Section 8 tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means the HA 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 collected from the family by the owner upon termination of the lease and applied to unpaid rent, damages or other amounts owed to the owner under the lease according to State or local law.

SERVICEPERSON. 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 who is not disabled, elderly, or displaced, or the remaining member of a tenant family.

SPOUSE. The marriage partner 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:

?? 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

?? Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or

?? Direct loans pursuant to Section 202 of the Housing Act of 1959; or

?? 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;

?? 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;

?? A Public Housing Project.

SUBSIDY STANDARDS. Standards established by a HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

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 HA.

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT/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 HA'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 LARGE LOWER-INCOME FAMILY. Prior to the change in the 1982 regulations this meant a lower-income family which included eight or more minors. (Term no longer used)

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.

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

WAITING LIST. A list of families organized according to HUD regulations and HA 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.

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III. 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.

HA. 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.

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The U.S. Housing Act of 1937 created the Low Rent Public Housing Program. Administration of the Public Housing Program and the functions and responsibilities of the Housing Authority of the City of Calexico's (HACC) staff shall be in compliance with the HACC Personnel Policy, Memorandum of Understanding Between the Housing Authority of the City of Calexico and the Teamsters Local No. 542 and this Admissions and Continued Occupancy Policy. The administration of this HACC housing program will also meet the requirements of the Department of Housing and Urban Development. Such requirements include any Public Housing 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 Volume 24 CFR, Parts V,VII and IX. (Code of Federal Regulations).

A. MISSION STATEMENT OF THE HOUSING AUTHORITY OF THE CITY OF CALEXICO

The following mission statement HACC's been adopted to guide the activities of the Housing Authority of the City of Calexico.

TO PROVIDE CLEAN, AFFORDABLE, QUALITY HOUSING, IMPROVING THE STANDARD OF LIVING OF THE POPULATION IT SERVES. PROMOTE UPWARD MOBILITY, SELF-SUFFICIENCY AND RESIDENT EMPOWERMENT

B. GOALS AND OBJECTIVES

The goals and objectives adopted by the Housing Authority of the City of Calexico are:

Goal One: To manage the Housing Authority of the City of Calexico in a manner that results in full compliance with applicable statutes and regulations as defined by program audit requirements.

Objectives:

1. The Housing Authority shall promote a motivating work environment with a capable and efficient team of employees to operate as a customer-friendly and fiscally prudent leader in the affordable housing industry. To accomplish this, the HACC will ensure its staff receives timely training, in all areas of property management as required by HUD.

2. To ensure that each department is in compliance with the PHAS, SEMAP, MTCS and other requirements, timely submissions and quality control will be monitored

on a monthly basis.

3. The Housing Authority of the City of Calexico shall sustain its classification as a high performer up to the fiscal year ending June 30, 2004.

Goal Two: To increase the availability of decent, safe and affordable housing in order to address the affordable housing needs of our community for the next five years. Cited as a need in our City's General Plan.

To adapt the Housing Authority of the City of Calexico's housing stock and program resources to more closely meet the housing needs and markets identified in our needs assessment

Objectives:

1. Increase the availability of affordable housing within the City of Calexico, by 20% of the Housing Authority's existing stock, within the next five years.

2. To develop a non-profit housing corporation, if necessary, to seek tax credit and other financing to build new affordable housing units.

3. Assist a total of twenty-five public housing families to move from renting to homeownership by June 30, 2004.

Goal Three: Promote fair housing and equal opportunity for all members of our community through outreach and education.

Objectives:

1. Use the tenant-based assistance program to expand housing opportunities beyond areas of traditional low-income and minority concentration.

2. The Housing Authority of the City of Calexico shall mix its public housing development populations, as much as possible, in relation to ethnicity, race and income.

Goal Four: Improve the access of public housing residents to services that support economic development opportunities and quality of life.

Objectives:

1. The Housing Authority of the City of Calexico will establish new partnerships in order to enhance self-sufficiency services to our residents by June 30, 2004.

2. The Housing Authority of the City of Calexico will more effectively utilize its community facilities to provide resident services as measured by increased utilization of 20% by June 30, 2004.

3. Apply to at least two appropriate foundations or grant funds to expand our Economic Develop and Family Self-Sufficiency Program.

4. The Housing Authority of the City of Calexico shall have an effective, fully functioning resident organization by June 30, 2004.

5. The Housing Authority of the City of Calexico shall assist its resident organization in strengthening their organization and helping them develop their own mission statement, goals and objectives by June 30, 2004.

Goal Five: Provide a safe and secure environment in the Housing Authority of the City of Calexico's public housing developments.

Improve resident and community perception of safety and security in the Housing Authority of the City of Calexico's public housing developments.

Objectives:

1. The Housing Authority of the City of Calexico shall reduce crime in its developments so that their crime rate is less than their surrounding neighborhood by June 30, 2004.

2. The Housing Authority of the City of Calexico shall refine the memorandum of understanding between the City of Calexico's police department and this agency. The purpose of this is to better define the "edge problem" of crime that occurs near our developments and develop strategies for identifying and reducing this problem.

C. PURPOSE OF THE POLICY

The purpose of this Admissions and Continued Occupancy Policy (PHACOP) is to establish guidelines for the Housing Authority of the City of Calexico (HACC) staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements of the Department of Housing and Urban Development (HUD) with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding on applicants, residents, and the Housing Authority.

The HACC Board of Commissioners must approve this policy and any changes thereto. The 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 Housing Authority 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 (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)

Any applicable State laws or Local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted.

The Housing Authority will not discriminate because of race, color, sex, religion, familial status, disability, national origin, marital status, or sexual orientation in the leasing or other disposition of housing or related facilities, including land, that is part of any project or projects under the HACC'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 HACC office in such a manner as to be easily readable from a wheelchair.

The HACC Administration Office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD telephone service provider.

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

E. SERVICE AND ACCOMMODATIONS POLICY

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

It is the policy of this Housing Authority 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 HACC 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 programs and related services. The Housing Authority will verify all requests so that the Housing Authority can properly accommodate the need presented by the disability.

Federal Americans with Disabilities Act of 1990

With respect to an individual, the term "disability," as defined by the 1990 Act 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 impairment.

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 HACC, 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 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 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 HACC will require verification from a physician when a request for a home visit recertification is submitted.

Reasonable Accommodation

Reasonable accommodation will be made for persons with a disability who require an advocate. A designee will be allowed to provide some information, but only with the written permission of the person with the disability.

All HACC mailings will be made available in an accessible format upon written request, as a reasonable accommodation.

Recertification by Mail

The HACC will permit the disabled family member to submit annual and interim recertification forms through the mail, when the Housing Authority determines that the request is necessary as a reasonable accommodation.

The mail-in packet will include notice to the family of the Housing Authority's deadline for returning the completed forms to the HACC.

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 and are responsible to return the information by the deadline.

Home Visits

When requested and where the need for reasonable accommodation has been established by the Housing Authority, the HACC will conduct home visits to residents to conduct annual and interim recertifications.

Requests for home visit recertifications must be received by the HACC at least 15 days before the scheduled appointment date in order for the request to be considered.

Home visit recertifications which are requested after the scheduled appointment will be considered a missed appointment by the family and recorded as a non-compliance with the family's obligations under the HUD regulations. This will be recorded in accordance with the number of allowed rescheduled appointments in Chapter 11.

Other Accommodations

The Housing Authority may utilize organizations which provide assistance for hearing and sight-impaired persons when requested by the family.

Upon the written request by the family, families will be offered an accessible unit when an accessible unit is available or placed on the transfer list.

Upon the receipt of the family's written request, the Housing Authority will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities.

F. TRANSLATION OF DOCUMENTS

The Housing Authority has bilingual staff to assist non-English speaking families.

G. PUBLIC HOUSING MANAGEMENT ASSESSMENT SYSTEM (HACC'S) OBJECTIVES [24 CFR 901 & 902]

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

The HACC is continuously assessing its program and consistently strives to make improvements. The HACC acknowledges that its performance ratings are important to sustaining its capacity to maintain flexibility and authority. The HACC intends to diligently manage its current program operations and continuously make efforts to be in full compliance with PHAS. The policies and procedures of this program are established so that the standards set forth by the Housing Authority are demonstrated and can be objectively reviewed by an auditor whose purpose is to evaluate performance.

H. FAMILY OUTREACH

The HACC will publicize and disseminate information to make known the availability of housing units and housing-related services for low and very-low income families.

The HACC will communicate the status of housing availability to other service providers in the

community. The HACC will advise them of housing eligibility factors and guidelines so that they can make proper referrals for those who seek housing.

When the HACC waiting list is open, the HACC will periodically publicize the availability and nature of housing assistance for low and very-low income families in the Imperial Valley Press and the Calexico Chronicle and may also advertise in the local minority publications and other suitable means.

Notices will be provided in English and Spanish.

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

I. 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" as well as any other release necessary to obtain, release or share information to be able to determine eligibility or continued eligibility by any member of the household. The HUD 9886 document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The HACC 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 Executive Director or his/her designee.

The HACC practices and procedures are designed to safeguard the privacy of applicants and tenants.

Files will never be left unattended or placed in common areas.

HACC 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 or close acquaintances living in Public Housing. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.

J. POSTING OF REQUIRED INFORMATION

The HACC will maintain a binder in an accessible area of the Housing Department lobby that will contain:

- Statement of policies and procedures governing the Public Housing Admission and Continued Occupancy Policy (PHACOP) or a notice of where the policy is available
- Information on application taking
- Directory of the HACC housing sites
- Income limits for Admission
- Current schedule of routine maintenance charges
- Security Deposit information
- Schedule of Utility Allowances
- A copy of the lease
- Current Resident Notice(s)
- The HACC grievance procedures and form

The following will be posted:

- A Fair Housing Poster
- An Equal Opportunity in Employment poster

K. TERMINOLOGY

The Housing Authority of the City of Calexico is referred to as "HACC" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant," "Resident" or "Participant" 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 HACC as the landlord.

"Landlord" refers to the HACC.

"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

[24 CFR 960.201]

INTRODUCTION

This Chapter defines both HUD's and the Housing Authority's criteria for admission and denial of admission to the program. The policy of the Housing Authority is to strive for objectivity and consistency in applying these criteria to evaluate the qualifications of families who apply. The Housing Authority 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 Housing Authority pertaining to their eligibility.

A. QUALIFICATION FOR ADMISSION

It is the Housing Authority's policy to admit qualified applicants only. An applicant is qualified if s/he 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 200 and Part 5, Subpart E).
- Has an Annual Income at the time of admission that does not exceed the low-income limits for occupancy established by HUD.
- The Quality Housing and Work Responsibility Act of 1998 authorizes Housing Authorities to admit families whose income does not exceed the low-income limit (80% of median area income) once the Housing Authority has met the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income).
- 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, including the attendance and successful completion of the Housing Authority's pre-occupancy class.**

Timing for the Verification of Qualifying Factors

The qualifying factors of eligibility, other than citizenship status, will not be verified before the family is placed on the waiting list.

B. FAMILY COMPOSITION

Definition of Family

The applicant must qualify as a Family. A Family may be a single person or a group of persons.

A group of persons is defined by the Housing Authority as two or more persons who intend to share residency whose income and resources are available to meet the family's needs and will live together in a Housing Authority dwelling.

Elderly, disabled, and displaced families are defined by HUD in CFR 5.403.

The term "Family" also includes, but is not limited to:

- A family with or without children;
- An elderly family;
- A disabled family;
- 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.

Occupancy by Police Officers

In order to provide an increased sense of security for public housing residents, the Housing Authority may allow public housing units to be occupied by police officers.

Police officers will not be required to be income eligible to qualify for admission to the Housing Authority’s public housing program.

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 and Local law.

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

Persons who are married are legally recognized as adults under State law.

Spouse of Head

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

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, with the head of household, for the lease. 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 provided that such live-in aide:

- Is determined by the Housing Authority 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 the Non-Citizen 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, providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the family member(s) does not overcrowd the unit.

A Live-in Aide may only reside in the unit with the written approval of the Housing Authority. 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 Housing Authority 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 [24 CFR 5.216]

Prior to admission, families are required to provide verification of Social Security Numbers for all family members age 6 and older, 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 must state that:

- the individual has not been issued a Social Security Number;
- the individual will disclose the Social Security Number, if they obtain one at a later date;
- be signed and dated by the affected party, in the case of a minor, by his or her parent or guardian, and the head of household.

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Eligible immigrants are persons who are in one of the six immigrant categories as specified by the Department of 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 noncitizen regulations, are not eligible for assistance.

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

No individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of at least one individual or family member.

E. OTHER ELIGIBILITY CRITERIA

All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) 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 the 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 others and to avoid damaging the property of others;
- not to engage in criminal activity 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 Housing Authority premises;
- to ensure that the behavior of their family members and the family's visitors is in compliance with the lease requirements;
- not to have ever been convicted of manufacturing or producing methamphetamine, also known as "speed" or any other drug;
- to comply with the established rules and program requirements of the Housing Authority and HUD; and,

- to comply with the local health and safety codes.

Denial of Admission for Previous Debts to This or Any Other Housing Authority

Previous outstanding debts to this Housing Authority or any other Housing Authority resulting from a previous tenancy in the public housing, Section 8 or any other federally assisted program must be paid in full prior to admission. No Payment Agreement will be accepted.

At the time of initial application, the applicant must pay any previous debt prior to being placed on the waiting list.

If a Payment Agreement falls into arrears while the family is on the waiting list, as defined in this policy, the family will be required to pay the balance in full prior to admission.

F. ONE STRIKE POLICY

Denial of Admission for Drug-Related and/or Other Criminal Activity

Purpose

All federally assisted housing is 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 intent of the Housing Authority of the City of Calexico 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.

For these reasons and in accordance with PIH 96-27 and the QHWRA, the HACC will permanently deny admission to any person convicted of manufacturing or producing methamphetamine, commonly known as “speed” or the use, sale or involvement in any drug-related criminal activity.

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 Housing Authority 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. 802)).

Drug-related criminal activity means *on or off the* premises, *not just on or near the* premises.

"Criminal activity" includes any criminal activity that threatens the health, safety or right to peaceful enjoyment of the resident's public housing premises by other residents or employees of the Housing Authority.

Screening for "One Strike"

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 Housing Authority will endeavor to screen applicants as thoroughly and fairly as possible.

If in the past the Housing Authority initiated a lease termination, which may or may not have resulted in eviction for any reason cited under the One Strike Notice, for a family, as a prior resident of public housing, the Housing Authority shall have the discretion to consider all the circumstances of the case regarding the extent of participation by non-involved family members.

The Housing Authority will not be obligated to ferret out information concerning a family's criminal activities as part of the processing of an application for assistance. Initial screening will be limited to routine inquiries of the family and any other information provided to the Housing Authority 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 or violent criminal activity, the Housing Authority 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 10 years for drug-related or violent criminal activity, the Housing Authority shall obtain verification through police and/or court records.

Law Enforcement Records

The Housing Authority will check criminal history for all adults in the household to determine whether any member of the family has engaged in violent or drug-related criminal activity.

Verification of any past activity will be done prior to final eligibility and will include a check of

conviction records.

The Housing Authority has contracted with the Calexico Police Department; a 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.

If the Calexico Police Department indicates to the Housing Authority that there is a criminal history record indexed in the Interstate Identification Index which might belong to the applicant, the Housing Authority will submit an applicant fingerprint card to the FBI through the appropriate channel in order to verify whether the criminal record is in fact the applicant's. Should the applicant instead elect to withdraw their application, no further action will be necessary.

The Housing Authority may request a fingerprint card from all of its applicants whether or not they indicate any prior criminal history on their application.

Standard for Violation

Persons evicted from public housing, Indian housing, Section 23, any Section 8 program or other federally assisted program because of drug related criminal activity are ineligible for admission to Public Housing for a ten-year period beginning on the date of such eviction.

The Housing Authority will not waive this requirement.

No member of the applicant's family may have engaged in drug related or violent criminal activity within the past 10 years.

The Housing Authority will permanently deny admission to public housing persons convicted of manufacturing or producing methamphetamine on the premises of an 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 Housing Authority will deny participation in the program to applicants where the Housing Authority determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the Housing Authority determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

"Engaged in or engaging in or recent history of" drug related criminal activity means any act within the past 10 years by applicants or participants, household members, or guests which involved drug-related 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.

"Engaged in or engaging in or recent history of" criminal activity means any act within the past

10 years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the Housing Authority, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

The Housing Authority will not waive this policy.

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 arrested or convicted of any criminal or drug-related criminal activity within the past 10 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 Housing Authority 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 10 years.

Evidence

The Housing Authority must have evidence of the violation.

"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 proven 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 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, evidence gathered by Housing Authority inspectors and/or investigators, and evidence gathered from the Housing Authority through other sources.

The Housing Authority may pursue fact-finding efforts as needed to obtain credible evidence.

Obtaining Information From Drug Abuse Treatment Centers

The Housing Authority will inquire of all applicants whether they are currently using or in the past have ever engaged in the illegal use of a controlled substance.

The Housing Authority will inquire of all applicants who respond in the affirmative whether they are currently receiving treatment or have ever received treatment at a drug abuse treatment facility.

All applicants who respond in the affirmative will be required to sign a written consent authorizing the Housing Authority to receive information from the drug abuse treatment facility stating only whether the facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.

The authorization will be sent to the drug abuse treatment facility to be returned to the HACC Executive Director.

The Housing Authority will maintain such information received from a drug abuse treatment facility in a manner that respects its confidentiality.

Such confidential information will be reviewed by the Executive Director who will make a decision as to the outcome of the review.

Such confidential information will not be misused or improperly disseminated and will be destroyed no later than 5 days after the date on which the Housing Authority gives final approval for admission.

If the application is denied, the information will be destroyed within 90 days following the date on which the statute of limitations for commencement of a civil action from the applicant based upon the denial of admission has expired.

Confidentiality of Criminal Records

The Housing Authority 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.

All criminal reports, while needed by the Housing Administration Director for screening for criminal behavior, will be housed in a locked file with access restricted to individuals responsible for such screening.

Misuse of the above information by any employee will be grounds for termination of employment.

If the family is determined eligible for initial or continued assistance, the Housing Authority's copy f 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 Housing Authority 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 Housing Authority takes any adverse action based on a criminal conviction record, the applicant 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 court hearing in the case of evictions.

Hearings

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

If information is revealed that would cause the Housing Authority 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 Housing Authority's hearing procedures outlined in the Chapter on Complaints, Grievances and Appeals.

G. SCREENING FOR SUITABILITY [24 CFR 960.204, 960.205]

In developing its admission policies, the aim of the Housing Authority 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 Housing Authority 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.

The Housing Authority will conduct a detailed interview of all applicants. The interview form will contain questions designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. Answers will be subject to third party verification.

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 8.2 Definition: Qualified Individual with Handicaps) The availability of assistance is subject to verification by the Housing Authority.

The Housing Authority's minimum age for admission as head of household is 18, to avoid

entering into leases that would not be valid or enforceable under applicable law. The Housing Authority 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.

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

The Housing Authority may complete a credit check and/or rental history check on all applicants.

The Housing Authority shall rely upon sources of information which may include, but not be limited to, Housing Authority 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 Housing Authority will complete a home visit at the current residence of all applicants who have had unreturned landlord verifications or verifications returned to the Housing Authority with unfavorable comments concerning their housekeeping habits or as the Housing Authority deems necessary. Applicants shall have at least two working days advance written notice of home visits.

Factors to be considered in the screening are housekeeping habits, rent paying habits, prior history as a tenant, criminal records, the ability of the applicant to maintain the responsibilities of tenancy and whether the conduct of the applicant in present or prior housing has been such that admission to the program would adversely affect the health, safety or welfare of other residents, or the physical environment, or the financial stability of the project.

The Housing Authority'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 that may adversely affect the health, safety, or welfare of other tenants or neighbors.
- Any history of criminal activity on the part of <u>any</u> 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 the 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 Housing Authority. 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. [24CFR 960.205(b)]

- Adversely affect the physical environment or financial stability of the project. [24CFR 960.205(b)]

- Violate the terms and conditions of the lease. [24CFR 8.3].

- Require services from Housing Authority staff that would alter the fundamental nature of the Housing Authority's program. [24 CFR 8.3]

Rent Paying Habits

The Housing Authority 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 8 years.

Based upon these verifications, the Housing Authority will determine if the applicant was chronically late with rent payments, was evicted at any time during the past 8 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.

Applicants will not be considered to have a poor credit history if they were late paying rent because they were withholding rent due to substandard housing conditions in a manner consistent with a local ordinance; or had a poor rent paying history clearly related to an excessive rent relative to their income (using 50% of their gross income as a guide,) and responsible efforts were made by the family to resolve the nonpayment problem.

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 Housing Authority 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 Housing Authority'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 Housing Authority 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 Housing Authority 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

The following will be considered as examples of mitigating circumstances:

- 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 Housing Authority;
- 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 Housing Authority 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 which has been verified by the Housing Authority 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*;
- Preference category (if any) to which the family is entitled.

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 Housing Authority procedures, except for a pending Housing Authority 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 Housing Authority shall provide applicants an opportunity for an informal hearing (see Chapter titled "Complaints, Grievances, and Appeals").

Applicants who have requested a reasonable accommodation as a person with a disability and who have been determined eligible, but fail to meet the Applicant Selection Criteria, will be offered an opportunity for a second meeting to have their cases examined to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the screening procedures.

The Housing Authority will make every effort to accurately estimate an approximate date of occupancy. However, the date given by the Housing Authority 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 Housing Authority, such as turnover rates, and market demands as they affect bedroom sizes and project location.

Documenting Findings

An authorized representative of the Housing Authority 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 Housing Authority 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 Housing Authority 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 Housing Authority 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.

- **Abandonment of a Public Housing Unit** - without advising Housing Authority officials so that staff may secure the unit and protect its property from vandalism

- **Non-Payment of Rightful Obligations** - including rent and/or utilities and other charges owed to the Housing Authority or any other Housing Authority.

- **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 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.

- **Whether Applicant or Tenant is Capable of Maintaining the Responsibilities of Tenancy** - in the case of applicants for admission, the person's present living

arrangements and a statement obtained from applicant's physician, social worker, or other health professional will be among factors considered in making this determination. The availability of a live-in attendant will be considered in making this determination.

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects.

The Housing Authority may waive the policies prohibiting admission in these circumstances if the person demonstrates to the Housing Authority's satisfaction that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and has successfully completed a supervised drug or alcohol rehabilitation program.

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

Resident Participation in the Screening Process

It is the Housing Authority's policy to encourage resident participation in the applicant intake and screening process. The Housing Authority recognizes that screening is only part of the occupancy cycle and for the Housing Authority-resident partnership to be effective, work is required both before and after admission. Given this policy the Housing Authority, in conjunction with its resident leaders, proposes the following areas of involvement:

Home visits: To work with residents to establish home visit inspection standards. To train residents on the standards and use residents along with the Housing Authority staff to conduct home visits.

Applicant pre-occupancy orientation: Attendance at pre-occupancy orientation is a requirement of the screening process. The Housing Authority and its residents will

develop the agenda for this orientation to include such issues as rent, house rules, lease provisions, security, social services and utilities.

H. HEARINGS

If information is revealed that would cause the Housing Authority 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 Housing Authority's hearing procedures outlined in Chapter 13, Complaints, Grievances and Appeals.

Chapter 3

APPLYING FOR ADMISSION

INTRODUCTION

The policy of the Housing Authority 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 Housing Authority 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 Housing Authority's programs must complete a written application form when application-taking is open. For a person with a disability, an application will be made available in an accessible format upon request.

Persons with disabilities may call the Housing Authority to receive an application through the mail or make other arrangements to complete their pre-application.

Applications will be accepted at a central location for all waiting lists. The Housing Authority may be taking applications for only one program at a time or all programs at the same time.

The application process will involve two phases.

1. The first is the "initial" application for admission (referred to as a pre-application). This first phase is to determine the family's eligibility for and placement on the waiting list.

   The pre-application will be dated, time-stamped and referred to the Housing Authority's Housing Department, where tenant selection and assignment is processed.

2. The second phase is the "final determination of eligibility for admission" (referred as the full application). The full application takes place when the family reaches the top of the waiting list. At this time, the Housing Authority ensures that verification of all HUD and Housing Authority eligibility factors is current in order to determine the family's eligibility for an offer of a suitable unit.

B. "INITIAL" APPLICATION PROCEDURES

The Housing Authority will utilize a preliminary-application form (pre-application) for the initial application for public housing. The application is taken in person and the data is entered into the computer. The application may also be mailed to the applicant.

The purpose of the pre-application is to permit the Housing Authority to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list.

Translation will be provided for non-English speaking applicants.

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

- Names of the head-of-household and spouse
- Names of all members, race/ethnicity, dates of birth, ages, social security numbers and driver's license numbers for all adults
- Street address and phone numbers, mailing address (if P.O. Box will be used)
- Previous addresses
- Landlord references
- Questions regarding previous participation in HUD programs
- Annual income and sources of income for all members
- Information regarding request for reasonable accommodation or for accessible unit
- Arrests/Convictions for Drug Related or Violent Criminal Activity
- Signed release to obtain a background check
- Emergency contact person and address

Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

Interviews on pre-applications will be conducted only as needed. The Housing Authority reserves the right to verify as much information as it deems necessary to determine the applicant's eligibility. Final eligibility will be determined when the full application process is completed and all information is verified.

Applicants will be required to inform the Housing Authority of any changes in family composition, income, address, as well as any changes in their Preference status. A form must be completed for his purpose.

Applicants are also required to respond to requests from the Housing Authority to update information on their application and indicate their continued interest in the program assistance.

Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list. (See Chapter on Complaints, Grievances and Appeals.)

C. NOTIFICATION OF APPLICANT STATUS

If after a review of the pre-application the family is determined to be preliminarily eligible, they will be notified in writing.

This written notification of preliminary eligibility will be mailed to the applicant.

If the family is determined to be ineligible based on the information provided in the pre-application, the Housing Authority will notify the family in writing, state the reason(s) and inform them of their right to an informal hearing. Persons with disabilities may request to have an advocate attend the informal hearing as an accommodation. See Chapter on "Complaints, Grievances and Appeals."

D. COMPLETION OF A FULL APPLICATION

All preferences claimed on the pre-application or while the family is on the waiting list will be verified:

- After the family is selected from the waiting list and prior to completing the full application.

The qualification for preference must exist at the time the preference is verified regardless of the length of time an applicant has been on the waiting list because the preference is based on current status.

Applicants on the waiting list who will be selected in the near future will be sent a letter (see Chapter on Tenant Selection and Assignment Plan). The letter will request the applicant to call to make an appointment for an application interview and provide the necessary information to verify the information provided by the applicant. These documents may be used for verification if third party verification cannot be obtained.

When the Housing Authority is ready to select an applicant, after the preference is verified, the Housing Authority will inform the applicant that an appointment has been scheduled, applicants will be required to:

- **Complete a full application in their own handwriting, unless assistance is needed, or a request for accommodation is made by a person with a disability. The applicant will then be interviewed by the Housing Authority staff to review the information on the full application form.**

Requirement to Attend the Interview

The Housing Authority utilizes the full application to interview and discuss the family's circumstances in greater detail, to clarify the information that has been provided by the family and to ensure that the information is complete. The interview is also used as a vehicle to analyze the

family's needs and advise them as to other Housing Authority services or programs that may be available.

All adult family members must attend the interview and sign the housing application and related forms. Exceptions may be made for adult students attending school out of state or for members for whom attendance would be a hardship due to a disability.

It is the applicant's responsibility to reschedule the interview if s/he misses the appointment. If the applicant does not reschedule or misses two-scheduled meeting(s), the Housing Authority will reject the application and deny admission to the program.

If an applicant fails to appear for a pre-scheduled appointment, the Housing Authority will automatically schedule a second appointment. If the applicant misses the second appointment without prior approval, the application is denied.

Reasonable accommodation will be made for persons with a disability that require an advocate or accessible offices. The designee will be allowed to provide and receive some information, but only with the written permission of the person with the disability.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal hearing. (See Chapter on Complaints, Grievances and Appeals).

All adult members must sign form HUD-9886, "Release of Information," and the declarations and consents related to citizenship/immigration status and any other documents required by the Housing Authority. 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 release as required by the Housing Authority.

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 preferences, eligibility and rent calculation.

If the Housing Authority determines at or after the interview that additional information or document(s) are needed, the Housing Authority will request the document(s) or information. The family will be given 5 working days to supply the information. If the information is not supplied in this time period, the Housing Authority will provide the family a notification of denial of assistance. (See Chapter on Complaints, Grievances and Appeals).

E. PROCESSING APPLICATIONS

As families approach the top of the waiting list, the following are some of the items that will be verified to determine qualification for admission to the Housing Authority's program:

- Preference verification
- Family composition and type (elderly/non elderly)
- Annual Income
- Assets and Asset Income

- Deductions from Annual Income
- Social Security Numbers of all family members
- Information used in applicant screening
- Citizenship or eligible immigration status
- Criminal History Report

F. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

After the verification process is completed, the Housing Authority will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the Housing Authority and the tenant suitability determination (see Chapter on Eligibility for Admission).

Because HUD can make changes in rules or regulations and family circumstances may have changed during the review process that may affect an applicant's eligibility, the eligibility process is not considered final until it the family has been informed that a "final" determination of eligibility has been made. 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

(Includes Preferences and Management of the Waiting List)

[24 CFR 960.204]

INTRODUCTION

It is the Housing Authority of the City of Calexico's policy that each applicant shall be assigned an appropriate place on a Citywide waiting list. Applicants will be listed in sequence based upon date and time the application is received, the size and type of unit they require and factors of preference or priority. In filling an actual or expected vacancy, the Housing Authority will offer the dwelling unit to an applicant in the appropriate sequence. The Housing Authority will continue to offer the unit until it is accepted. This Chapter describes the Housing Authority's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list.

Housing Authority's Objectives

Housing Authority's policies will be followed consistently and will affirmatively further HUD's fair housing goals.

It is the Housing Authority'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.

When appropriate units are available, families will be selected from the waiting list in their preference-determined sequence.

By maintaining an accurate waiting list, the Housing Authority 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 Housing Authority'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 Housing Authority will administer its waiting list as required by 24 CFR Part 5, Subparts E and F, Part 945 and 960.201 through 960.215. 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 the order of date and time of the application receipt.
- Applications will be placed on the waiting list in accordance with the preference(s) that they qualify for.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income eligibility requirements as established by HUD.

Opening and Closing the Waiting Lists

The Housing Authority will open it's waiting lists (Public Housing, Section 8 and Calexico Gardens) year round. Applications will be provided and accepted every Thursday of the month, with the exception of a Thursday being observed on a holiday, if such occurs, applications will be provided and accepted the following Thursday.

The Housing Authority will advertise one time of the year round open waiting list through public notice, 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.

The Housing Authority, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The Housing Authority may open or close the list by local preference category.

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit, the number of applicants who qualify for a local preference, and the ability of the HA to house an applicant in an appropriate unit within a reasonable period of time.

The notice will contain:

- **The dates, times, and the locations where families may apply**
- **The programs for which applications will be taken**
- **Limitations, if any, on who may apply**

The notices will provide potential applicants with information that includes the Housing Authority 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 Housing Authority may suspend the acceptance of applications if there are enough Local Preference holders to fill anticipated openings for the next 12 months or as per discretion of the Executive Director.

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 Housing Authority will not maintain a list of individuals who wish to be notified when the waiting list is open.

The Housing Authority will not announce suspension of application-taking.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next 12 months. When the period for accepting applications is over, the Housing Authority will add the new applicants to the list by:

- Unit size, local preferences priority and date and time of application receipt.

The Housing Authority will update the waiting list every two years 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 Housing Authority will advise families of their responsibility to notify the Housing Authority when mailing address or telephone numbers change.

Reopening the List

If the waiting list is closed and the Housing Authority decides to open the waiting list, the Housing Authority will publicly announce the opening.

Any reopening of the list is done in accordance with the HUD requirements.

Even though there are enough applicants on the waiting list to fill the turnover within the next 12 months, if there are not enough applicants who claim a local preference, the Housing Authority may elect to accept applications from applicants who claim a local preference ONLY, and continue to keep the waiting list closed.

Limits on Who May Apply

When the waiting list is open, the following people can apply:

- Any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete an application.

- Depending upon the composition of the waiting list with regard to family types and preferences and to better serve the needs of the community, at times the Housing Authority may only accept applications from:

    - Applicants needing a certain bedroom size unit

When the application is submitted to the Housing Authority, 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. Multiple families are encouraged to apply separately even though they reside in the same dwelling.

B. WAITING LIST PREFERENCES

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the waiting list. Every applicant must meet the Housing Authority's Selection Criteria as defined in this policy.

The Housing Authority's preference system will work in combination with requirements to match the characteristics for the family to the type of unit available, including units with targeted populations and further deconcentration of poverty in public housing. When such matching is required or permitted by current law, the Housing Authority will give preference to qualified families.

Families who reach the top of the waiting list will be contacted by the Housing Authority to verify their preference and, if verified, a full application will be completed for occupancy. **A**pplicants must complete the application for occupancy and continue through the application processing and may not retain their place on the waiting list if they refuse to complete their processing when contacted by the Housing Authority.

Among applicants with equal preference status, the waiting list will be organized by date and time of the applications.

An applicant will not be granted any preference if any member of the family has been evicted from any federally assisted housing during the past ten years because of drug-related criminal activity.

The Housing Authority will grant an exception to such a family if the evicted person was not involved in the drug related activity that occasioned the eviction.

If an applicant makes a false statement in order to qualify for a Local preference, the Housing

Authority will deny admission to the program for the family**.**

Local Preferences

Local preferences will be used to select among applicants on the waiting list.

The Housing Authority uses the following Local Preferences:

Working preference (24 CFR 5.415): for families with at least one adult who is employed and has been employed for 6 months within the year being offered a dwelling. This preference is extended equally to an applicant whose head or spouse are age 62 or older or are receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work

Graduates or participants in educational and training programs preference: for families with at least one adult who has completed 6 months of educational and training programs designed to prepare the individual for the job market. The completion of the 6 months must be within the year of being offered a dwelling.

Graduates of Transitional Housing Programs preference: Families participating in the city's homeless transitional housing program.

Elderly/Disabled preference: this includes families whose head or spouse are age 62 or older or who have a permanent disability.

Veteran preference: Veterans or surviving spouses of veterans, as defined by the State of California.

Resident preference: This includes families who reside in the City of Calexico and who can provide the following:

Lease Agreement or Rent Statements

Gas Statements

Electric Statements

Water Statements

School verification

Bank verification

In order to qualify for the preference three of the six verifications must be provided within the past six months of being offered a dwelling.

C. FACTORS OTHER THAN PREFERENCES THAT AFFECT SELECTION OF APPLICANTS

Before applying its preference system, the Housing Authority will first match the characteristics of the available unit to the applicants available on the waiting lists. Factors such as unit size, accessible features, deconcentration or income mixing, income targeting, or units in housing designated for the elderly limit the admission of families to those characteristics that match the characteristics and features of the vacant unit available.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application.

Any admission mandated by court order related to desegregation or Fair Housing and Equal Opportunity will take precedence over the Preference System. Other admissions required by court order will also take precedence over the Preference System. If permitted by the court order, the Housing Authority may offer the family a housing voucher.

D. INCOME TARGETING

The Housing Authority will monitor its admissions to ensure that at least 40 percent of families admitted to public housing in each fiscal year shall have incomes that do not exceed 30% of area median income of the Housing Authority's jurisdiction.

Hereafter families whose incomes do not exceed 30% of area median income will be referred to as "extremely low income families."

The Housing Authority shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRA by admitting less than 40 percent of "extremely low income families" to public housing in a fiscal year, to the extent that the HA has provided more than 75 percent of newly available vouchers and certificates to "extremely low income families." This fungibility provision discretion by the Housing Authority is also reflected in the Housing Authority Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40 percent of admissions to public housing for extremely low income families by the lowest of the following amounts:

- The number of units equal to 10 percent of the number of newly available vouchers in the fiscal year; or
- The number of public housing units that:
    1. Are in public housing projects located in census tracts having a poverty rate of 30% or more

2. Are made available for occupancy by and actually occupied in that year by, families other than extremely low-income families.

The Fungibility Floor: Regardless of the above two amounts, in a fiscal year, at least 30% of the Housing Authority's admissions to public housing will be to extremely low-income families. The fungibility floor is the number of units that cause the Housing Authority's overall requirement for housing extremely low-income families to drop to 30% of its newly available units.

Fungibility shall only be utilized if the Housing Authority is anticipated to fall short of its 40% goal for new admissions to public housing.

Very Low-Income Family Admissions

Once the Housing Authority has met the 40% targeted income requirement for new admissions of extremely low-income families, the Housing Authority may fill the remainder of its new admission units with families whose incomes do not exceed 50% of the HUD approved area median income.

Combining Low and Very Low-Income Family Admissions

Once the Housing Authority has met the 40% targeted income requirement for new admissions of extremely low-income families, the Housing Authority may fill the remaining 60% of its new admission units, with both low and very low-income families, by combining the 10%, 20%, 30% and 40% of very low-income families and the 10%, 20%, 30% and 40% of the low income families.

E. UNITS DESIGNATED FOR THE DISABLED

In accordance with the 1992 Housing Act, disabled families with a head, spouse or sole member who qualifies as a person with disabilities as defined in 24 CFR 945.105 will receive a preference for admission to units that are classified as Section 504 Accessible Units.

The Housing Authority has units designed for persons with mobility, sight and hearing impairments, referred to as accessibility units. These units were rehabilitated 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 given to families with disabled family members who require the modifications or facilities provided in the units.

F. GENERAL OCCUPANCY UNITS

General occupancy units are designed to house all populations of eligible families. In accordance with the Housing Authority's occupancy standards, eligible families not needing units designed with special features or units designed for special populations will be admitted to the Housing Authority's general occupancy units.

The Housing Authority will use its local preference system as stated in this chapter for admission of eligible families to its general occupancy units.

G. DECONCENTRATION OF POVERTY AND INCOME-MIXING

The Housing Authority admission policy is designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects.

Gross annual income is used for income limits at admission and for income-mixing purposes.

Skipping of a family on the waiting list specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met.

The HA will use the gathered tenant incomes information in its assessment of its public housing developments to determine the appropriate designation to be assigned to the project for the purpose of assisting the Housing Authority in its deconcentration goals.

Deconcentration and Income-Mixing Goals

Admission policies related to the deconcentration efforts of the Housing Authority do not impose specific quotas. Therefore, the Housing Authority will not set specific quotas, but will strive to achieve deconcentration and income-mixing in its developments.

Project Designation Methodology

The Housing Authority will determine and compare the tenant incomes at the developments listed in this Chapter and the incomes of census tracts in which the developments are located. Upon analyzing its findings the Housing Authority will apply the policies, measures and incentives listed in this Chapter to bring higher income families into lower income developments and lower income families into higher income developments.

The Housing Authority's goal is to have eligible families having higher incomes occupy dwelling units in projects predominantly occupied by eligible families having lower incomes, and eligible families having lower incomes occupy dwelling units in projects predominantly occupied by eligible families having higher incomes.

Families having lower incomes include very low and extremely low-income families.

Skipping of families for deconcentration purposes will be applied uniformly to all families.

When selecting applicant families and assigning transfers for a designated project the Housing Authority may determine whether the selection of the family will contribute to the Housing Authority's deconcentration goals.

H. VERIFICATION OF PREFERENCE QUALIFICATION [24 CFR 5.415]

The family may be placed on the waiting list upon their certification that they qualify for a preference. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list and ranked without the Local Preference and given an opportunity for a review.

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the HA in writing when their circumstances change. When an applicant claims an additional preference, s/he will be placed on the waiting list in the proper order of their newly-claimed preference.

I. PREFERENCE DENIAL [24 CFR 5.415]

If the HA denies a preference, the HA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for a review. The applicant will have 10 working days to submit the written request for a meetin**g.** If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

J. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST

The Housing Authority 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 applicant must request to be placed on both lists. If the public housing waiting list is open at the time an applicant applies for Section 8, the applicant must request to be placed on both lists

K. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 960.204(a)]

The waiting list may be purged every 3 years 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 10 calendar days to any mailings that HACC sends to the applicant, 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 a letter is returned with a forwarding address, it will be re-mailed to the address indicated and will be given an additional 10 calendar days.

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 with the prescribed period due to their disability or hospitalization. An extension to reply to the purge notification will be considered as an accommodation if requested by a person with a disability.

Applicants are notified that they are responsible for notifying the Housing Authority within 10 calendar days if they have a change of address.

L. OFFER OF ACCESSIBLE UNITS

The Housing Authority 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 Housing Authority will offer such units:

- First, to a current occupant of another unit of the same development or other public housing developments under the Housing Authority'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 Housing Authority 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.

M. PLAN FOR UNIT OFFERS

The Housing Authority 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 that the first qualified applicant in sequence on the waiting list will be made one offer of a unit of the appropriate size. If the unit offered is not accepted with a *good cause*, the Housing Authority staff will proceed to move the family to the bottom of the waiting.

If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

The Housing Authority 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.

N. 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).

O. APPLICANT STATUS AFTER FINAL UNIT OFFER

When an applicant rejects the final unit offered by the Housing Authority, the applicant will be removed from the waiting list.

P. TIME-LIMIT FOR ACCEPTANCE OF UNIT

Applicants must accept a unit offered within 1 working day of the date the offer is made. If unable to contact an applicant by telephone, the Housing Authority 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 disabled designated housing. [24 CFR 945.303(d)]
- Inaccessibility to source of employment or children's day care such that an adult household member must quit a job, drop out of an educational institution or a job training program
- The unit is inappropriate for the applicant's disabilities.

Applicants With a Change in Family Size or Status

The family will take the appropriate place on the waiting list according to the date they first applied.

Q. REFUSAL OF OFFER

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

If the unit offered is refused for other reasons, the Housing Authority will follow the applicable policy as listed in the "Plan for Unit Offers" section and the "Applicant Status After Final Offer" section.

Chapter 5

OCCUPANCY GUIDELINES

INTRODUCTION

The Occupancy Guidelines are established by the Housing Authority 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 Housing Authority does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. The Housing Authority'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 as determined by the court.

All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be so assigned that:

- Adults of different generations, persons of the opposite sex (other than spouses) and unrelated adults will not be required to share a bedroom.
- Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 2.
- 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.
- Single person families shall be allocated one bedroom.
- The living room may be used as a bedroom.

GUIDELINES FOR DETERMINING BEDROOM SIZE

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

B. EXCEPTIONS TO OCCUPANCY STANDARDS

The Housing Authority will grant exceptions from the guidelines in cases where it is the family's request and the Housing Authority determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstance(s) 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 or they have occupied the unit for at least 3 years.**

- For a three-person family that includes two adults and an infant, the Housing Authority may allow the family to lease a one-bedroom unit in a desired general occupancy project. However, the Housing Authority will not lease a one-bedroom unit to a three-person family that includes two adults and an adolescent or teenager.

- In cases such as those above, a family that voluntarily accepts a unit that is smaller than what the family is eligible for, will be required to sign a statement stating that unless there is an increase in family size the family agrees that they are not eligible for transfer to a larger unit for at least 3 years.

The Housing Authority may offer a family a unit that is larger than required by the Housing Authority's occupancy standards, if the waiting list is short of families large enough to fill the vacancy.

In all cases, where the family requests an exception to the general occupancy standards, the Housing Authority will evaluate the relationship and ages of all family members and the overall size of the unit.

The family may request to be placed on a larger bedroom size waiting list than indicated by the Housing Authority's occupancy guidelines. The request must explain the need or justification for a larger bedroom size and must be verified by the Housing Authority before the family is placed on the larger bedroom size list. The Housing Authority will consider these requests:

- **Person with Disability**

The Housing Authority will grant an exception upon request as a reasonable accommodation for persons with disabilities if theneed is appropriately verified and meets requirements in the "Service and Accommodations Policy" section of Chapter 1.

- **Other Circumstances**

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 doctor.

The Housing Authority 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 Housing Authority. 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 Housing Authority within 10 days.

To avoid vacancies, the Housing Authority may provide a family with a larger unit than the occupancy standards permit. The family must agree to move to a suitable, smaller unit 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 Housing Authority has 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 given to families with disabled family members who require the modifications or facilities provided in the units.

No non-mobility-impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Accessible units will be offered and accepted by non-mobility impaired applicants only if there are no applicants on the waiting list that require an accessible unit and with the understanding

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.

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 Executive Director or his/ her designee who will make determination after review of the situation, the individual circumstances, and the verification provided.

Chapter 6

DETERMINATION OF TOTAL TENANT PAYMENT

24 CFR 5.609, 5.611, 5.613, 5.615]

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 allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F 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 HACC's policies in this Chapter address those areas that allow the Housing Authority 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.

A. MINIMUM RENT

The minimum rent for this Housing Authority is $50.00.

The Total Tenant Payment is the greater of:

- 30% of the adjusted monthly income
- 10% of the monthly gross income
- The minimum rent as established by the Housing Authority

The minimum rent refers to a minimum Total Tenant Payment and not a minimum Tenant Rent.

The Total Tenant Payment does not include charges for excess utility consumption or other charges. Housing Authority recognizes that in some instances even the minimum rent may create a financial hardship for families. The Housing Authority will review all relevant circumstances brought to the Housing Authority’s attention regarding financial hardship as it applies to minimum rent. The following section states the Housing Authority’s procedures and policies regarding minimum rent financial hardship as set forth by the QHWRA.

B. INCOME AND ALLOWANCES

Income: The types of money that is to be used as income for the purpose of calculating the TTP are defined by HUD in the federal regulations. In accordance with this definition, income from

each member of the household, from all sources, 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 the certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions. Annual income is used to determine whether or not applicants are within the applicable income limits. (24 CFR 5.607)

Adjusted Income is defined as the Annual income minus any HUD allowable deductions.

Permissive Deductions

The Housing Authority does not adopt any additional permissive deductions to the annual income of the tenants.

Allowable Deductions

HUD has five allowable deductions from Annual Income:

1. 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.

2. "Elderly" allowance: $400 per household for families whose head or spouse is 62 or over or disabled.

3. Allowable medical expenses for all family members are deducted for elderly and disabled families.

4. Childcare expenses for children under 13 are deducted when childcare is necessary to allow an **adult** member to work, attend school, or actively seek employment.

5. 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 [24 CFR 5.609(c)]

The Housing Authority believes that training income exclusions are an important factor in helping public housing participants move from welfare and dependence to greater self-sufficiency.

The Housing Authority will share information regarding new policies governing training income derived from qualifying employment training programs with applicants, participants and local social service providers. The Housing Authority's objective is to encourage families to move toward self-sufficiency by excluding from their annual income certain amounts earned through participation in various qualifying training programs. These training programs are aimed at offering the resident gainful employment skills. The exclusion of training income, in the calculation of annual income, is meant to be an incentive. It is the Housing Authority's hope that Welfare agencies will adopt or modify their programs so that welfare recipients living in Public Housing will receive the maximum benefits from these income exclusions.

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.

There are two types of training programs that are eligible for one or more types of income exclusion:

1. Training Income Exclusions in Accordance with 24 CFR 5.609(c)(8)(v)

The first type of training program is in accordance with 24 CFR 5.609 (c) (8)(v) and has features that allow the training income of assisted housing residents to be excluded only while the resident is actively enrolled in the training program.

A training program qualifying under 24 CFR 5.609 (c)(8)(v) 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 the following:

- Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs.

2. Training Income Exclusions in Accordance with 24 CFR 5.609(c) (13)

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 Housing Authority will determine that this training program has all five components required by HUD. It must be:

- a program providing employment training and supportive services;
- authorized by a Federal, State or Local law;
- funded by the Federal, State or local government;
- 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 the following:

- 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 enrolled 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 85% 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

Since income prior to training must be established to determine the incremental earnings, in cases where a resident claims to have no income just prior to enrolling in a training program, the

Housing Authority will use income of any source received by the family within the prior six to twelve months.

If a resident has no income the day they enter a training program, but has a history of employment in the past, the Housing Authority 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 goes 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 Housing Authority within ten 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 Housing Authority 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 Housing Authority within ten working days of starting a training program, and have a decrease in income, will not have their rent adjusted retroactively.

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 would be decreased or eliminated for a period of time.

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

Mandatory earned income disallowance, effective 10/1/99, replaces 5.609(c)(13). Current families may continue with training income exclusions as long as they would have qualified by 9/30/99.

D. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS

The rent for eligible families may not be increased as a result of the increased income due to such employment during the 12-month period beginning on the date on which the employment begins.

A family eligible for the earned income exclusion is a family that occupies a dwelling unit in a public housing project; and

- Whose income increases as a result of employment of a member of the family who was previously unemployed for one or more years;

- Whose earned income increases during the participation of a family member in any family self-sufficiency or other job training program; or

- Who is or was, within six months, assisted under any State program for TANF and whose earned income increases.

Upon the expiration of the 12-month period referred to above, the rent payable by a family may be increased due to the continued employment of the family member above. In the second twelve-month period, the Housing Authority will exempt from income 50% of the income increment. This will be done by comparing the amount of the family member's income before the beginning of the qualifying employment to the amount of such income after beginning the employment. It is this amount that is subject to be disregarded.

The family may receive this disallowance only as follows:

- The disallowance is limited to one forty-eight month period from the beginning of the first month after the commencement of the qualifying employment of an individual family member; and

- During this forty-eight month period, for a maximum of twelve months, the incremental increase is disregarded and a for a maximum of twelve months, 50% of the incremental increase is disregarded.

- If the period of increased income does not last twelve consecutive months, the disallowance period may be resumed at any time within the 48-month period. However, each qualifying family member is only entitled to a total 12 months of each disallowance.

- The disallowance of an incremental increase of income as a result of employment is only applied to determine the annual income of families residing in public housing units, not to determine annual income of applicants for purposes of income eligibility or targeting.

The Housing Authority will conduct an interim reexamination to institute the earned income exclusion. Date of exclusion will begin retroactively to the date employment begins.

E. TRAINING PROGRAMS FUNDED BY HUD

All training income from a HUD sponsored or funded training program, whether incremental or not, is excluded from the resident's annual income while the resident is in training. Income from a Resident Services training program, which is funded by HUD, is excluded.

Upon employment with the Housing Authority, the full amount of employment income received by the person is counted. There is no 18-month exclusion of income for wages funded under the 1937 Housing Act Programs, which includes Public Housing and Section 8.

F. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the Housing Authority will:

- Annualize current income and conduct an interim reexamination if income

changes.

- 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 for the next annual recertification.

- An estimate can be made for those families whose income fluctuates from month to month. An estimate of the past three months income will be used so that the housing payment will not change from month to month.

All income must be reported, including income from a minor.

G. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income will be required by the Housing Authority to provide documentation to prove income on a quarterly basis. If the income has changed, an interim recertification will be performed.

Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc. Families must fill out required form provided by the Housing Authority.

The Housing Authority will request credit checks for all adult members of families that report zero income.

Where credit reports show credit accounts open and payments current, the Housing Authority will take action to investigate the possibility of fraud or program abuse.

H. 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 Housing Authority will calculate the Total Tenant Payment by:

- Excluding the income of the person permanently confined to the nursing home and not giving the family deductions for medical expenses of the confined family member.

I. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609(a)(7)]

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 4 months out of the year or more frequently will be considered a "regular" contribution or gift, unless the amount is less than $25.00 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 Housing Authority will make inquiry of the family about contributions and gifts.

J. ALIMONY AND CHILD SUPPORT [24 CFR 5.609(a)(7)]

Annual income includes alimony and child support and regular contributions received by any family member whether or not they have been awarded by the court. Court-awarded contributions will be counted unless the family certifies that payments are not being made and has taken all reasonable legal actions to collect amounts due, including filing with the appropriate courts or agencies responsible for enforcing payment.

Court-awarded payments or contributions such as child support, alimony, or maintenance will be counted as annual income. Families are required to provide the PHA a copy of such court orders.

The Housing Authority will accept as verification that the family is receiving an amount less than the award if:

- The Housing Authority receives verification from the agency responsible for enforcement or collection.

It is the family's responsibility to supply a certified copy of the divorce decree.

If the parent states he/she is not receiving a monetary amount, but instead receiving food, clothing, etc. from absent parent a table that has been established by the Housing Authority will be used to determine the amount of that will be considered as income.

K. LUMP-SUM RECEIPTS [24 CFR 5.609(b)(5)(c)]

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, 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 Housing Authority will calculate prospectively if the family reported the payment within 10 days and retroactively to date of receipt if the receipt was not reported within that time frame.

1. 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 as follows:

  - The entire lump-sum payment will be added to the annual income at the time of the interim.

2. Retroactive Calculation Methodology:

   - The Housing Authority will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

   - The Housing Authority 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 Housing Authority.

   - At the Housing Authority's option, the Housing Authority 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.

L. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS

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

- While an individual is employed, only the amount that the family can withdraw without retiring or terminating employment are counted as assets.

- After retirement or termination of employment, the Housing Authority will count any amount the employee elects to receive as a lump sum.

M. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

The Housing Authority must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The Housing Authority 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 Housing Authority's minimum threshold for counting assets disposed of for less than Fair

Market value is $2,000. If the total value of assets disposed of within the two-year period is less than $1,999, they will not be considered an asset.

All family members will be required to provide bank statements for checking and savings accounts for the previous 6 months if banking organization does not supply this information.

All assests must be reported, including assets from a minor.

N. CHILD CARE EXPENSES

Unreimbursable child care expenses for children under 13 may be deducted from annual income if they enable an adult, within the assisted household on the contract, to work, attend school full time, or actively seek employment.

In the case of a child attending private school, only before or after-hours care can be counted as childcare expenses.

Childcare expenses cannot be reasonable. Reasonable is determined by what the average childare rates are in the Housing Authority's jurisdiction. Chart is provided by the Housing Authority.

Allowability of deductions for childcare 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 childcare may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).

- Amount of Expense: The Housing Authority will survey the local care providers in the community to determine what is reasonable. The Housing Authority will use the collected data as a guideline. If the hourly rate materially exceeds the guideline, the Housing Authority will calculate the allowance using the guideline.

O. MEDICAL EXPENSES [24 CFR 5.603]

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.

Nonprescription medicines must be doctor-recommended in order to be considered a medical expense. Tenant must provide a physician's statement from a physician in the U.S.

Chiropractic services will be considered allowable medical expenses.

Only medical expenses that are incurred in the U.S. will be accepted.

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 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 Assistance Calculation

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 family's TTP will be calculated by:

- Multiplying the Member Maximum Subsidy by the number of eligible family members to determine Eligible Subsidy.

Q. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

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

- Fraud; or
- Failure to participate in an economic self-sufficiency program; or
- Noncompliance with a work activities requirement
- However, the Housing Authority 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 that 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.

Verification Before Denying a Request to Reduce Rent

The Housing Authority 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 Housing Authority has taken a proactive approach to culminating an effective working relationship between the Housing Authority of the City of Calexico and the I.C. Department of Social Services for the purpose of targeting economic self- sufficiency programs throughout the community that are available to public housing residents.

The Housing Authority and the Department of Social Services 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.

R. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

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 utilities in an energy conservative household, *not* on a family's actual consumption.

When the Utility Allowance exceeds the family's Total Tenant Payment, the Housing Authority will provide a Utility Reimbursement Payment for the family three times per year. The check will be made out directly to the tenant.

Resident-Paid Utilities

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

Paying the utility bill is the resident's obligation under the lease. Failure to pay utilities is grounds for eviction.

S. EXCESS UTILITY PAYMENTS

Residents in units where the Housing Authority 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. [24CFR 966.4(b)(2)].

T. FAMILY CHOICE IN RENTS

Authority for the Family to Select

The Housing Authority will 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.

Allowable Rent Structures

- **Flat Rents:** The Housing Authority has established, for each dwelling unit in public housing, a flat rental amount for the dwelling unit, that is:

  1. Based on the rental value of the unit, as determined by the Housing Authority and the Fair Market Rent of the area; and

  2. 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 Housing Authority shall review the income of families paying a flat rent not less than once every three years.

- **Income-Based Rents:** The monthly Total Tenant Payment amount for a family shall be an amount, as verified by the Housing Authority, that does not exceed the greatest of the following amounts:

  1. Thirty percent of the family's monthly adjusted income;

  2. Ten percent of the family's monthly income; or

  3. The Housing Authority's Minimum TTP of $50.00.

The Housing Authority will set income-based rents at 30% of the monthly adjusted income, not less than the Minimum TTP.

Annual Reexamination

At least 90 days in advance of the annual reexamination, the family will be sent a form from the Housing Authority, on which the family will indicate the members in the household, their income and assets, deductions and other pertinent information. Also, the family must state whether they choose the flat rent or income-based rent. The Housing Authority form will state what the flat rent would be.

- If the family indicates they choose the flat rent, the form will be retained in the tenant file.

- If the family indicates they choose income-based rent, a reexamination appointment will be scheduled according to Housing Authority policy.

U. THE HOUSING AUTHORITY'S FLAT RENT METHODOLOGY

The Housing Authority has set a flat rent for each public housing unit, based on the reasonable market value of the unit. The Housing Authority's methodology is described as follows:

An analysis was performed of the housing market within the City of Calexico, the Housing Authority's jurisdictional area. The information of the Section 8 database was used to compare units of the same structure, building type, age, bedroom size, square feet, amenities, etc. Based on this information, the Housing Authority adopted the current Fair Market Rents as the flat rents. These amounts will be revised annually, once published by the Dept. of HUD in the Federal Register. The current flat rents are as follows:

Rockwood & Heber Homes, W.H. Going Homes, Higuera Homes, Escalante Plaza

Unit Size	Flat Rent
1 Bedroom	$450.00
2 Bedrooms	$550.00
3 Bedrooms	$675.00
4 Bedrooms	$800.00

Casas del Sol & Willie Moreno Homes

2 Bedroom	$600.00
3 Bedrooms	$800.00
4 Bedrooms	$925.00
5 Bedrooms	$1050.00

Chapter 7

VERIFICATION PROCEDURES

[24 CFR 5.617, 24 CFR 960.206]

INTRODUCTION

HUD regulations require that the Housing Authority verify factors of eligibility and Total Tenant Payment. Applicants and program tenants must furnish proof of their statements whenever required by the Housing Authority, and the information they provide must be true and complete. The Housing Authority's verification procedures are designed to meet HUD's requirements and to maintain program integrity. This Chapter explains the Housing Authority's procedures and standards for verification of preferences, income, assets, allowable deductions, family status and when there are changes in family members. The Housing Authority 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 Housing Authority will verify information through the four methods of verification acceptable to HUD in the following order:

1. **Third-Party Written**: The Housing Authority's first choice is a written third party verification to substantiate claims made by an applicant or resident. A faxed or e-mailed statement will serve as third-party verification as long as the original document is provided.

2. **Third-Party Oral**: The Housing Authority may also use telephone verifications.

3. **Review of Documents**: The Housing Authority will review documents, when relevant, to substantiate the claim of an applicant or resident.

4. **Self-certification Statement**: Self-certification/Self-declaration:When third- party verification or review of documents is not possible, families will be required to submit a self-certification.

The Housing Authority will not delay the processing of an application beyond two weeks because a third party information provider does not return the verification in a timely manner.

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

Regardless of these timeframes, Criminal History Reports will be useable as a valid verification for no longer than 90 calendar days.

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.

The Housing Authority will not accept verifications delivered by the family as third party documents except computerized printouts from the following agencies:

- Social Security Administration
- Veterans Administration
- Welfare Assistance
- Unemployment Compensation Board
- City or County Courts
- Pharmacies for prescription drugs
- Child Support

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 Housing Authority will compare the information to any documents provided by the Family. If provided by telephone, the Housing Authority 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 Housing Authority 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 Housing Authority will accept the following documents from the family provided that the

document is such that tampering would be easily noted:

- Computer printed wage stubs
- Signed letters (provided that the information is notarized or confirmed by phone)

Other documents noted in this Chapter as acceptable verification:

- The Housing Authority will accept faxed documents that come directly from the third party.
- The Housing Authority will not accept photocopies, originals must be brought and the Housing Authority staff will make the copies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the Housing Authority will utilize the third party verification and investigate the case for fraud.

Notarized Statement

Self-certification/Self-declaration: When third-party verification or review of documents is not possible, families will be required to submit a self-certification. Self certification means a notarized statement.

B. RELEASE OF INFORMATION

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.

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 to supply any information requested by the Housing Authority or HUD.

C. COMPUTER MATCHING

Where allowed by HUD and/or other State or Local agencies and when the Housing Authority has computer capability, computer matching will be done.

D. ITEMS TO BE VERIFIED

The following items will be verified:

- All income.
- Zero-income status of the household.

- Zero income applicants and residents will be required to complete a family expense form at each certification or recertification interview. Recertifications may be done as often as quarterly to insure that the family's income has not changed.
- 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 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, valid driver's license, including birth certificates, naturalization documents.
- U.S. citizenship/eligible immigrant status.
- Social Security Numbers for all family members 6 years of age or older.
- Preference status, based upon Housing Authority preferences.
- Familial/Marital status when needed for head or spouse definition.
- Disability for determination of preferences, allowances or deductions.

E. VERIFICATION OF INCOME

This section defines the methods the Housing Authority will use to verify various types of income. Whenever "in this order" is used in this chapter, the Housing Authority will request and utilize verifications, if available, in the order specified.

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, in this order:

1. Employment verification form completed by the employer.
2. Check stubs or earning statements that indicate the employee's gross pay, frequency of pay or year to date earnings.
3. W-2 forms plus income tax return forms. The applicant/tenant will be required to certify that the copy of the income tax provided is true and correct and the reflected is an estimate of what they anticipate to receive for the following year.
4. Self-certification or 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 Housing Authority will require the most recent federal income tax statements and any other documentation as it deems necessary.

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

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

Acceptable methods of verification include, in this order:

1. Benefit verification form completed by agency providing the benefits
2. Computer report electronically obtained or in hard copy.
3. Award or benefit notification letters prepared by the providing agency.
4. Bank statements for direct deposits.

Unemployment Compensation

Acceptable methods of verification include, in this order:

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

3. Payment Stubs

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

1. Housing Authority verification form completed by payment provider.

2. Computer-generated Notice of Action and/or copy of the welfare check.

3. 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, in this order:

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

2. Copy of three months of the latest checks and/or three months payment stubs from Court Trustee. Housing Authority must record the date, amount, and number of the check.

3. A notarized letter from the person paying the support.

4. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

5. If payments are irregular, the family must provide one of the following:

   - 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.

   - A notarized affidavit from the family indicating the amount(s) received.

   - A welfare Notice of Action showing amounts received by the welfare agency for child support.

   - A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

In order to verify the net income from a business, the Housing Authority 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, in this order, include:

1. 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.

2. Audited or unaudited financial statement(s) of the business.

3. Credit report or loan application.

4. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.

5. The family's notarized statement as to net income realized from the business during previous years.

The Housing Authority may request the documentation identified in No. 4 above, regardless of the verification used.

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 family has filed a tax return, the family will be required to provide it.

Recurring Gifts

If the family receives gifts of money, payment of bills on their behalf and/or groceries, clothing, etc. and this happens at least twice within a 12 month period, this is considered to be a recurring gift.

The family must furnish a 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, SSI, etc. are not being received by the household.

The Housing Authority may request information from the State Employment Development Department, the IRS and/or check records of other departments (such as government utilities) that have information about income sources of the customers. Families will have to fill out a form provided by the Housing Authority.

Full-Time Student Status

Anyone of 18 years of age must report any income s/he receives. 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 are not counted towards family income, depending upon the funding source.

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.

F. INCOME FROM ASSETS

Family members must report all assets belonging to, or under the care of, anyone included in the application/lease. 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 Housing Authority 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, provided that the Housing Authority must adjust the information to project earnings expected for the next 12 months.

All family members will be required to provide bank statements for checking and savings accounts for the previous 6 months if banking organization does not supply this information.

All assets must be reported, including assets from a minor.

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 recertification.

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.

4. 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 Housing Authority 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 Housing Authority 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 or a 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. 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 fill out a form provided by the Housing Authority.

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.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical and Handicapped Assistance 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:

- 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's of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

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.

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. Housing Authority 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 Housing Authority will use mileage at the Housing Authority's 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

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 Housing Authority will require applicants/tenants 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. military discharge (DD 214)

- 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
- School records

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

Verification of guardianship is:

- Court-ordered assignment
- Affidavit of parent
- Verification from social services agency

Evidence of an established family relationship:

- Joint bank accounts or other shared financial transactions
- Leases or other evidence of prior cohabitation

- Credit reports showing relationship

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 Housing Authority 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 Housing Authority 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, rehabilitation specialist, or licensed social worker from the United States, 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 Housing Authority hearing is pending.

- Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

- Eligible Immigrants who were tenants and 62 or over on June 19, 1995, 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 Housing Authority verifies the status through the INS SAVE system. If this primary verification fails to verify status, the Housing Authority 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 tenant families, 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 Housing Authority does not supply the documents, the Housing Authority must conduct the determination.

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 Housing Authority will 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.

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:

- Identification card issued by Medicare or Medical
- IRS Form 1099
- Verification of benefits or SSN from Social Security Administration

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 Housing Authority.

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 Housing Authority. The applicant/tenant or family member will have an additional 30 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 Housing Authority may grant an extension for an additional 60 days 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 and provide the document within 90 days.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a physician

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
- Housing Authority of the City of Calexico and Other Housing Authority's to whom the family may owe debt.

(See Chapter 2, 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 Housing Authority will determine if applicants owe any monies to from previous tenancy or participation in any HUD housing program.**
- The Housing Authority may independently verify the rent-paying history of all applicants for the previous 6 years directly with the landlord(s).

Drug-related or violent criminal activity

The Housing Authority will complete a criminal background check of all applicants, including other adult members in the household, or any member for which criminal records are available.

Housekeeping

- The Housing Authority will obtain references from prior landlords for the previous 6 years to determine acceptable housekeeping standards.
- The Housing Authority will conduct a home visit prior to admission.
- Applicants will be required to attend pre-occupancy classes as a condition of admission.

K. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 5.410, 5.415, 5.430]

Local Preferences:

The Housing Authority uses the following Local Preferences:

Working preference (24 CFR 5.415): for families with at least one adult who is employed and has been employed for 6 months within the year of being offered a dwelling. This preference is extended equally to an applicant whose head or spouse are age 62 or older or are receiving social security disability, supplemental security income disability benefits, or any other payments based on an individual's inability to work

Graduates or participants in educational and training programs preference: for families with at least one adult who has completed 6 months of educational and training programs designed to prepare the individual for the job market. The completion of the 6 months must be within the year of being offered a dwelling.

Graduates of Transitional Housing Programs preference: Families participating in the city's homeless transitional housing program.

Elderly/Disabled preference: this includes families whose head or spouse are age 62 or older or who have a permanent disability.

Veteran preference: Veterans or surviving spouses of veterans, as defined by the State of California.

Resident preference: This includes families who reside in the City of Calexico and who can provide the following:

Lease Agreement or Rent Statements

Gas Statements

Electric Statements

Water Statements

School verification

Bank verification

In order to qualify for the preference three of the six verifications must be provided within the past six months of being offered a dwelling.

Chapter 8

TRANSFER POLICY

INTRODUCTION

The transferring of families is a very costly procedure, both to the Housing Authority and to the families. However, it is the policy of the Housing Authority 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 Housing Authority.

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

A family may be eligible to transfer for valid and certifiable reasons such as enabling the family to:

- Move from an upstairs to a downstairs unit for medical or accessibility reasons.

The Housing Authority will always consider a request to transfer as a reasonable accommodation for a person with a disability.

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.

The Housing Authority will charge the families for any damages to the previous unit that exceed that unit's security deposit.

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 Housing Authority due to rental history or a history of disturbances.

Rank Order of Transfer List

The Transfer Waiting list will be maintained in rank order by:

- Emergency

- Medical hardship
- Unit too large or small
- Higher income family moving into a lower income development
- Date of approval

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 Housing Authority 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 Housing Authority will evaluate the reason for the refusal and determine if it is one of good cause. If the Housing Authority determines that there is no good cause, the Housing Authority will begin lease termination proceedings.

The Housing Authority will offer the family an opportunity for an informal conference before terminating the family's lease. The family will have 5 working days from the issue date of the Notice to Terminate to request an informal conference.

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 Housing Authority 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.

Good cause may be any of the following reasons:

- Travel to the doctor from the new unit would create a hardship for an elderly or disabled person.

- The inconvenience or undesirability of changing schools for any minor child will not be considered good cause

Housing Authority Incentives for Higher Income Families Transferring into Lower Income Developments

The Housing Authority will offer certain incentives to higher income families willing to transfer into lower income projects. The Housing Authority will not take any adverse action against any higher income family declining an offer by the Housing Authority to move into a lower income project, except for mandatory transfers where the family is to receive only one offer.

The Housing Authority will offer the following incentives for higher income families transferring into lower income projects:

- Housing Authority will target homeownership opportunities to higher income families moving into lower income projects

Emergency Transfers

The Housing Authority will authorize an emergency transfer for a participant family if one of the following conditions occurs:

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.

Special Circumstance Transfers

The Housing Authority 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 and may be allowed to return to their unit once rehabilitation is complete.

- The Housing Authority has a need, at the discretion of the Executive Director's or his/her designee to transfer the resident family to another unit and the resident voluntarily agrees to such transfer.

Moving Costs

The resident, except when the transfer is due to inhabitability, through no fault of the resident, or the need of the Housing Authority, will pay all moving costs related to the transfer.

Security Deposits

Security deposits will always be transferred from the losing development to the gaining development minus any damage or cleaning charges applicable to the losing unit.

If the deposit will create a financial hardship for the family the Housing Authority may enter into a payment agreement with the family. Any unused portion of the deposit from the family's current unit will be applied to the balance on the new security deposit and the family will be required to fulfill the remaining portion of the payment agreement until the security deposit on the new unit has been paid in full.

A transfer between developments will not be considered a move-out.

B. TRANSFERS WITHIN THE DEVELOPMENT

The Housing Authority does not allow residents to transfer from one unit to another within the same development, unless it is needed as a reasonable request as an accommodation for a family with a member with a disability or it is necessary to correct an occupancy standard.

This policy of not transferring is not to be confused with the provision of the lease, which requires the resident, at the request of management, to move to an appropriate size unit.

C. TRANSFER REQUEST PROCEDURE

Residents desiring transfer to another unit or development will be required to fill out a Request for Transfer.

The approved request for transfer form will be kept in a file arranged in chronological order by bedroom size.

Mandatory transfers due to occupancy standards will be maintained on the transfer list in a manner that allows the Housing Authority to easily distinguish between those that are not mandatory.

If the request is approved, the family will be sent a letter; Approved Transfer, which will state that their name has been, placed on the transfer list for the bedroom size and 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 if they disagree with the decision.

D. PROCESSING IN AND OUT OF DEVELOPMENTS

The resident's records will show a continuous residence in public housing in one development or the other, but not in both projects at the same time.

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 on the Move-in/Move-out Report.

The transferred resident, between public housing projects, does not have to meet the admission eligibility requirements pertaining to income or preference.

E. 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.

F. REEXAMINATION DATE

An interim examination, verifying income only, will be conducted at the time of lease up and the family will have a new reexamination date.

Chapter 9

LEASING

[24 CFR 966.566.4]

INTRODUCTION

It is the Housing Authority'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 Housing Authority's policies pertaining to lease execution, security deposits, other charges, and additions to the lease.

A. LEASE ORIENTATION

Upon execution of the lease, a Housing Authority representative will provide a lease orientation to the family head, spouse and all adult members. 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 grievance procedure
- A copy of the Housing Authority Newsletter

Topics to be discussed will include, but are not limited to:

- Applicable deposits and other charges
- Provisions of the Lease
- Explanation of occupancy forms
- Terms of occupancy
- Unit maintenance and work orders

B. 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 Housing Authority, prior to admission. The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

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 Housing Authority will retain one in the tenant's file. The lease is incorporated into this policy by reference. The lease document will reflect current Housing Authority 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 Housing Authority unit to another (with a change in reexamination date).
- If, for any reason, any signer of the lease ceases to be a member of the household, a new lease will be executed without any change to the annual reexamination date.
- Lease signers must be persons legally eligible to execute contracts.

The names and ages of all household members are listed on the lease at initial occupancy and on the Application for Continued Occupancy each subsequent year. The family must complete this form. 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 "Lease Agreement Amendment " by the Housing Authority, 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 Attendant are required to execute a lease addendum authorizing the arrangement and describing the status of the attendant and the length of time the Attendant will be in the unit.

- **Households that include a Live-In Attendant will contain file documentation that the Live-In Attendant is not a party to the lease and is not entitled to Housing Authority assistance, with the exception of occupancy while serving as the attendant for the participant family member.**

The Housing Authority 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.

C. ADDITIONS TO THE LEASE

Requests for the addition of a new member of the household must be submitted in writing and approved by the Housing Authority, prior to the actual move-in by the proposed new member. If the member is living in the unit prior to receiving the approval of the Housing Authority, the family will be found to be in violation of the lease for having unauthorized guests/tenants.

Following receipt of a family's request for approval, the Housing Authority will conduct a pre-admission screening, including the Criminal History Report (Background Check), of the proposed new member. Only new members approved by the Housing Authority will be added to the household.

Factors determining household additions:

1. Household additions subject to screening:

   - Resident plans to marry
   - Resident is awarded custody of a child over the age for which juvenile justice records are available
   - Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child or children.
   - A unit is occupied by a remaining family member(s) under the age of 18 who is not an emancipated minor and an adult who was not a member of the original household requests permission to take over as the head of household.

2. Factors determining household additions that are not subject to screening:

   - Children born to a family member or whom a family member legally adopts are exempt from the pre-screening process.

3. Factors determining household additions that may be subject to screening, depending on Housing Authority discretion:

   - Children below the age, under which juvenile justice records are made available, who are added through a kinship care arrangement, are not exempt from the pre-screening process.
   - The Housing Authority will request that the public housing tenant provide the Housing Authority with a signed consent form from the parent(s) or legal guardian(s) allowing the Housing Authority to check the juvenile records of the child. Sources to be checked may include, but are not limited to, any of the following:

     - School Records (attendance/behavior)
     - Juvenile Probation/Court Records

- Police Records

4. In such cases where the addition of a new member who has not been born, married, or legally adopted into the family, and the addition will affect the bedroom size required by the family, according to the Housing Authority occupancy standards, the Housing Authority will not approve the addition.

5. The Housing Authority will only approve of adding a family consisting of more than one member to the lease, if it does not exceed the occupancy standard, which allows two members of the same sex and same generation per bedroom unless there is a spousal relationship.

6. Residents who fail to notify the Housing Authority 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 Housing Authority and the entire household will be subject to eviction [24 CFR 966.4(f)(3)].

7. 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 Housing Authority of the move-out within 10 days of its occurrence.

   These individuals may only be readmitted to the unit after 2 years of the effective date of removal.

   The Housing Authority in making determinations under this paragraph will consider medical hardship or other extenuating circumstances.

8. The resident may not allow visitors to stay overnight for more than 15 days (2 weeks) in a twelve-month period. The resident must obtain prior written approval from the Housing Authority.

   The resident may not allow visitors to stay overnight more than 2-nights in a twelve month period.

   The family must request Housing Authority approval prior to visitors arriving that will be in the unit up to the 15 days authorized per year.

   Visitors who remain beyond this period shall be considered trespassers and their presence constitutes a breach of the lease and may be grounds for eviction.

   If an individual other than a leaseholder is representing to an outside agency that they are residing in the lessee's unit, the person will be considered an unauthorized member of the household and may be grounds for the lessee’s eviction.

9. 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 Housing Authority who has been evicted to occupy the unit for any period of time.

Residents must advise the Housing Authority in writing when they, or anyone authorized to reside in the unit, will be absent from the unit for more than 20 consecutive days and provide a means for the Housing Authority to contact the resident in the event of an emergency. Failure to advise the Housing Authority of extended absences is grounds for termination of the lease.

D. LEASING UNITS WITH ACCESSIBLE OR ADAPTABLE FEATURES [24 CFR 8.27(a)(1)(2) and (b)]

Before offering a vacant accessible unit to a non-disabled applicant, the Housing Authority will offer such units:

- First, to a current occupant of another unit of the same development, or other public housing developments under the Housing Authority'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 Housing Authority 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.

E. 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.

Non-payment of utility charge payments to the Housing Authority is a violation of the lease and is grounds for eviction.

F. SECURITY DEPOSITS

Security and Pet Deposit

New tenants must pay a security deposit to the Housing Authority at the time of admission. The amount of the security and/or pet deposit required is specified in the lease. Tenant agrees to pay an amount equal to $200.00 or one month’s tenant rent whichever is greater. Pet Deposit shall be no less than $200.00.

The Housing Authority may permit installment payments of security deposits when a new tenant

demonstrates a financial hardship to the satisfaction of the Housing Authority. However, no less than one-third of the required deposit must be paid before occupancy. The remainder of the deposit must be paid within 60 days.

If the security deposit is not paid in full within the 60-day period the resident will be evicted.

The Housing Authority will hold the security deposit for the period the tenant occupies the unit.

The Housing Authority 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.

The Housing Authority will refund the Security Deposit less any amounts owed, within 30 days after move out and tenant's notification of new address.

The Housing Authority will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit.

The Housing Authority 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 Housing Authority will provide the tenant or designee identified above with a written list of any charges against the security or pet deposits. If the tenant disagrees with the amount charged to the security or pet deposits, the Housing Authority 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 Housing Authority. All keys to the unit must be returned to the Management upon vacating the unit.

The Housing Authority 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 Housing Authority will transfer the security deposit to the new unit. The tenant will be billed for any maintenance or other charges.

Pet Deposit

For more information on the Pet Policy, see Chapter 10.

G. RENT PAYMENTS

The tenant rent is due and payable at the Housing Authority Administration office located at 1006 E. Fifth Street, Calexico, CA 92231, on the 1st of every month. If the 1st falls on a weekend or holiday, the rent is due and payable on the first business day thereafter. The tenant has a grace period of five working days.

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 by no later than the end of the 5th business 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.

H. FEES AND NONPAYMENT PENALTIES

Rent is delinquent if not received by (4PM) on the fifth (5th) business day of the month and a late charge will be added to your account. The late charge will not exceed $5.00 for the first through the fifth day that the rent is not paid, plus $1.00 for each additional day it remains unpaid, but not to exceed $30.00 per month. This provision does not create a "grace period" for payment of rental obligations under the terms of this Lease. If the fifth (5th) day falls on a weekend or holiday, the rent must be paid in full by 4:00 PM on the next business day.

The Housing Authority will not receive any cash payments. Payment must be made by a Money Order, bank check or personal check. The Housing Authority will always consider the rent unpaid when a check is returned as NSF or a check is written on a closed account. The Housing Authority will not receive checks from anyone whose check was returned from the bank for NSF or any other reason within the tenant's control. Any payment received will be applied to the oldest charges in the resident's account.

I. 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.

Fumigation Services

The Public Housing units are fumigated on a quarterly basis. If a tenant, 18 years or older, is unavailable to make the unit accessible to the fumigation service on the scheduled date, the head of household or spouse must provide a written request to reschedule the appointment to the "backtrack" date or request the cancellation of the appointment. A medical excuse must accompany the written request to cancel the appointment. If the above stated procedure is not followed and/or the tenant fails to comply with the "backtrack" appointment a $25.00 fee will be imposed. Two such incidents within a 12-month period will be cause for an eviction.

If the tenant has a medical excuse for the dwelling unit not to be fumigated, the tenant must provide a letter from their physician indicating their condition and the period for which the unit should not be fumigated. The letter must be provided at least 5 working days before the scheduled fumigation date.

Any letter from any physician who does not practice in the U.S. will not be considered acceptable.

Alterations or additions to the premises

The tenant shall not redecorate, make any alterations or additions to the premises or equipment, or affix anything to the dwelling structure inside or out without the express written permission from the Housing Authority. In the event said permission is obtained and said alteration or additions are made, they shall be considered permanently affixed to the property and shall remain on and be surrendered with premises at the termination of the Lease. Such alterations include, but are not limited to:

- Painting of the interior or exterior of the unit
- Installation of any fixture in the interior or exterior of the unit (this includes Christmas lights, supplementary exterior lights for security or decorative purposes, etc)
- Plant trees, shrubs, flowers, etc.
- Installation of cable wiring for the television, security alarm or any other electronic device.
- Installation of window bars or security devices of any type.

If the tenant does not obtain written permission from the Housing Authority and makes alterations or additions to the unit, the tenant will be charged the material and labor to restore the unit to its original condition and will be fined a fee of $100 per alteration and a warning notice will be used. Three warning notices within a 12-month period will be grounds for eviction.

If a tenant tampers with a smoke alarm a $100.00 fee will be imposed. If a tenant tampers or relocates a fire extinguisher from its original position with no intent to extinguish a fire, a $100.00 fee will be imposed.

Tenants may not replace a light bulb that exceeds its fixture rating of 60-75 watts or a $25.00 fee will be imposed.

J. MODIFICATIONS TO THE LEASE

Schedules of special charges and rules and regulations are subject to modification or revisions. Tenants 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:

- **Posted at the Housing Authority bulletin boards located at each Housing Authority development.**

Any modifications of the lease must be accomplished by a written addendum to the lease and signed by both parties.

K. CANCELLATION OF THE LEASE

Cancellation of the tenant's lease is to be done in accordance with the provisions contained in the lease agreement and as stated in this policy.

L. INSPECTIONS OF PUBLIC HOUSING UNITS

Initial Inspections

The Housing Authority 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 Housing Authority and the tenant, will be kept in the tenant file.

Only the head of household or spouse may sign the inspection form.

Vacate Inspections

The Housing Department designated staff will perform the “move-out” inspection and prepare the corresponding report. The family will be encouraged to be present at the time the inspection is performed.

The purpose of this inspection is to determine necessary maintenance and whether there are damages that exceed normal wear and tear. The Housing Authority 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 Housing Authority in determining the time and extent of the preparation and repairs necessary to make the unit ready for the next tenant.

If the unit is dirty, still has furniture or tenant belongings, and/or the key has not been returned to the Housing Department, the tenant will be advised that the unit is not ready for the “move-out” inspection and considered to still be in the tenant’s possession. Rent will continue to be charged for the days that the tenant has possession of the unit.

Annual Inspections

The Housing Authority will inspect all units annually using HUD's minimum Uniform Physical Conditions Standards (UPCS) as a guideline.

Residents who "fail" the inspection due to housekeeping or tenant-caused damages will be given up to one week to correct the noted items. The tenant’s failure to comply with annual inspection requirements (the unit must be clean and ready) will be issued a warning notice. Once the repairs are completed, it will be the tenant’s responsibility to schedule a re-inspection. Residents who fail the inspection twice within a 24-month period or cause excessive damage to the unit will be evicted.

The resident will be issued a copy of the inspection report. If necessary to bring the unit into UPCS compliance, needed repairs will be completed by the Housing Authority. Damages beyond "normal wear and tear" will be billed to the tenant.

All inspections will include a check of all smoke alarms to ensure proper working order.

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 Housing Authority can be of service to the family.

The Housing Authority Inspection staff will conduct quality control inspections on units:

- in which housing management staff requested an inspection
- where repairs were made to vacant units generated by move-out inspections
- that are under general contract maintenance or contracted out to low bid contractors
- when necessary to gather information on the condition of the units for Administrative purposes.

One of the purposes 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 Housing Authority inspection staff will conduct quality control inspections for up to 10 % of the units.

Special Inspections

The Housing Department staff will conduct periodic (weekly) exterior inspections to determine the condition of the units and to identify problems or issues in which the Housing Authority can be of service to the family.

A special inspection may be conducted for housekeeping, unit condition, or suspected lease violations.

HUD representatives or local government officials may review Housing Authority operations periodically and as a part of their monitoring may inspect a sampling of the Housing Authority's inventory.

Other Inspections

The Housing Authority 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 the Housing Authority premises to determine hazardous conditions as well as to assist in budget preparation.

Quarterly Inspections

Inspections will be conducted on a quarterly basis if the annual inspection did not pass due to bad housekeeping habits or a report is received form the maintenance Director indicating concern of the upkeep of the unit.

Emergency Inspections

Housing management staff, including Housing Authority 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 on emergency items 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:

- 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 which have the capacity to create flooding or cause damage to the unit
- Natural gas leaks or smell of fumes
- Backed-up sewage
- Electrical hazard

Units with elderly residents have the following additional standards for repairs to be conducted in less than 24 hours:

- Inoperable Housing Authority-owned air conditioner/heater (seasonal) or refrigerator

Inoperable smoke detectors will be treated as a 24-hour emergency and will be made operable by the Housing Authority if the smoke detector is in need of repair. If the failure of the smoke alarm was caused by the family, the resident will be fined $100 and a warning notice will be issued. (See “Housekeeping Citations" below)

Entry of Premises Notices

The Housing Authority 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 Housing Authority will provide the family with 24-hour notice prior to entering the unit for non-emergency reasons other than the annual inspection.

An adult family member must be present in the unit during the inspection and will be required to show identification**.**

Where the Housing Authority is conducting regular annual inspections of its housing units, the family will receive at least 1-weeks notice of the inspection to allow the family to prepare and be able to pass the inspection.

Reasons the Housing Authority will enter the unit are:

- Inspections and maintenance
- To make improvements and repairs
- To show the premises for leasing

- In cases of emergency

The Housing Authority will reschedule the inspection only once and upon receipt of a verifiable medical excuse indicating the reasons why the inspection could not be performed.

Non-Inspection Emergency Entry

The Housing Authority staff will allow access to the unit to proper authorities when issues of health or safety of the tenant are concerned.

The Housing Authority staff may enter a unit to perform repairs requested by the family or previously programmed with the family. Such entry will not require prior notice to the family since it is presumed that the resident has given his/her permission. It is the intent of the Housing Authority Maintenance Department to perform repairs only when an adult tenant is present in the unit and the resident must make any necessary arrangements to comply with this requirement.

Family Responsibility to Allow Inspection and Entry to the Unit

The Housing Authority must be allowed to inspect the unit at reasonable times with reasonable notice. Twenty-four hour written notice will be considered reasonable in all cases.

The resident is notified of the inspection appointment by mail. The family must call the Housing Authority at least 24 hours before the inspection date to reschedule the inspection, if necessary.

The Housing Authority will reschedule the inspection no more than once unless the resident has a verifiable medical reason indicating why the inspection cannot be done.

If the resident refuses to allow the inspection to take place, the resident will be in violation of the lease and the Housing Authority may issue an eviction.

Housekeeping Citations

Residents who "fail" an inspection due to housekeeping will be issued a warning notice. It is the responsibility of the resident to schedule the appointment for the re-inspection. The unit must be ready to be re-inspected within 1 week of the initial inspection. If the family fails to comply with the re-inspection requirements or is issued another warning notice at the time the re-inspection is done, the family will be processed for eviction.

Tenant Damages

Repeated failed inspections or damages to the unit beyond normal wear and tear will constitute grounds for eviction.

"Beyond normal wear and tear" is defined as items that may be charged against the tenant's security deposit under the state law or court practice.

Chapter 10

PET POLICY

[24 CFR.309]

INTRODUCTION

The purpose of this policy is to establish the Housing Authority's policy and procedures for ownership of pets in and on properties owned and operated by the Housing Authority of the City of Calexico. These regulations are hereby incorporated in the Residential Dwelling Lease and any violation of these regulations will constitute a violation of said lease.

A. ANIMALS THAT ASSIST PERSONS WITH DISABILITIES

Pet rules concerning the pet deposit will not be applied to animals that assist persons with disabilities, but the resident/pet owner will be required to qualify the animal for exclusion from the pet policy.

To be excluded from the pet policy, the resident must provide a certification from a licensed veterinarian stating that the animal has been trained to assist the person with the specified handicap requiring the use of the animal and that the animal actually assists the handicapped individual. The resident/pet owner will still be required to submit a written statement to the Housing Authority to register the pet. All other regulations relating to the proper care of the pet, licensing, and inoculations will apply.

B. MANAGEMENT APPROVAL OF PETS

All pets must be approved in advance and written authorization must be given by the HACC Management.

The pet owner must submit and enter into a Pet Agreement with the HACC.

Registration of Pets

All pets must be registered with the Housing Authority. Any resident desiring a pet must notify the Housing Authority in writing at least ten (10) days prior to bringing the pet to live with the tenant. Within this time, the required documents must be furnished, the first installment of the $200.00 required deposit must be paid and a certificate signed by a U.S. licensed veterinarian that the pet has received all inoculations required by State or local law and that the pet has no communicable disease(s) and is pest-free must be provided.

One picture of each common household pet must be taken at the Housing Authority office at time of registration. Family provided pictures will not be accepted.

Questionnaire to be mailed to and completed by veterinarian will include animal's breed, weight, age and, if under one year old, weight expected when full grown.

When all requirements listed herein are satisfied, the resident will receive a Pet Permit authorizing the keeping of the pet. This permit may be revoked at any time, without any prior notice, if the pet becomes a nuisance or a threat to the health or safety of others, or if the pet owner fails to comply with any provisions of this policy.

Registration must be renewed and will be coordinated with the annual recertification date and proof of license and inoculation will be submitted at least 60 days prior to the annual reexamination.

Dogs and cats must be spayed or neutered.

Execution of a Pet Agreement with the Housing Authority stating that the tenant acknowledges complete responsibility for the care and cleaning of the pet will be required.

If the completion of the requirements is pending, approval for the keeping of a pet shall not be extended.

C. REFUSAL TO REGISTER PETS

If the Housing Authority refuses to register a pet, a written notification will be sent to the pet owner stating the reason for denial and shall be served in accordance with HUD Notice requirements.

The Housing Authority 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 Pet Policy provision
- The pet owner fails to provide complete pet registration information, or fails to update the registration annually
- **The Housing Authority 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 provisions of the lease.**

The notice of refusal may be combined with a notice of a pet violation.

A resident who cares for another resident's pet must notify the Housing Authority and agree to abide by all of the pet rules in writing.

D. ELIGIBILITY

Housing Authority will allow for pet ownership of the animals listed below with the exception that dogs and cats are only allowed when they assist persons with disabilities and in these cases, the breed and size of the pet will be a determining factor for approval.

Only those residents who pass a housekeeping inspection based on the current condition of the unit and findings of the last two annual inspections will be permitted to have a pet.

In the case of a prospective resident, a finding of satisfactory housekeeping in the applicant's current residence will be needed to establish eligibility for keeping a pet.

Types of Pets Allowed

No types of pets other than the following may be kept by a resident.

Tenants are not permitted to have more than ***one type*** of pet.

1. Dogs **(Only for person with disabilities)**

   Maximum number: 1

   Maximum adult weight: 18 pounds

   Must be housebroken

   Must be spayed or neutered

   Must have all required inoculations

   Must be licensed as specified now or in the future by State law and local ordinance

2. Cats **(Only for person with disabilities)**

   Maximum number: 1

   Maximum adult weight 18 pounds

   Must be declawed

   Must be spayed or neutered

   Must have all required inoculations

   Must be trained to use a litter box or other waste receptacle

   Must be licensed as specified now or in the future by State law or local ordinance

3. Birds

Maximum number: 2

Must be enclosed in a cage at all times

4. Fish

Maximum aquarium size: 50 gallons

Must be maintained on an approved stand

5. Rodents (Rabbits, guinea pigs, hamsters, or gerbil ONLY)

Maximum number: 2

Must be enclosed in an acceptable cage at all times

Must have any or all inoculations as specified now or in the future by State law or local ordinance

Types of Pets Not-Allowed

- Any animals whose weight could exceed 18 lbs. by adulthood
- Dogs of the Pit Bull, Rottweiler, Chow, or Boxer breeds
- Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites and lacerations
- Hedgehogs or other animals whose natural body armor produce a risk to children
- Chicks or other animals who pose a significant risk of salmonella infection

E. STANDARDS FOR PETS

All animals are to be spayed or neutered.

F. LICENSE

Pet owners are required to license their pets in accordance with applicable state and local laws and regulations.

Each dog or cat shall be licensed annually with the proper U.S. authorities. The pet must wear the license at all times. Proof of licensing must be provided to management.

G. ANNUAL REVIEW

Resident will provide to management yearly at the annual re-certification, any documentation necessary to determine the resident's continued compliance with the requirements of this policy.

H. PET CONTROL

- Household may keep only two common household pets.
- All dogs must be on a leash at all times when outside the resident's unit.
- No pet will be permitted in any common area or hallway, except as necessary to directly enter and exit the buildings.
- No dog will be permitted to remain in a unit overnight, without supervision, while the resident is away.
- No Housing Authority personnel will enter any unit containing a dog or cat until the resident has physical control of the animal. It is the resident's responsibility to ensure that the Housing Authority staff has access to the unit when a pre-arranged appointment has been made to enter the unit and in emergency cases.
- Residents will not permit disturbances by their pet that interferes with the quiet enjoyment of the premises by other residents.
- All dogs and cats must wear a collar with an identification tag listing the name and address of the pet owner.
- No pets other than seeing – eye dogs are permitted in the common areas at any time.

I. PETS TEMPORARILY ON THE PREMISES

Pets, not owned by a tenant, will not be allowed in the Housing Authority premises.

Residents are prohibited from feeding or harboring stray animals.

J. DESIGNATION OF PET/NO-PET AREAS

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.

A common household pet must be effectively restrained by use of a leash and under the control of a responsible person when passing through a common area.

Any animal or pet waste deposited in any common area, animal or pet exercise area must be removed immediately by the pet owner.

All pets are to be fed inside the apartment. Feeding is not allowed on porches, sidewalks, patios, balconies or other outside area. (Except for single dwelling units).

NO-PET AREAS:

1. PHA playground
2. Management offices
3. Recreation center

K. ADDITIONAL FEES AND DEPOSITS FOR PETS

The resident/pet owner will be required to pay a refundable deposit for the purpose of defraying all reasonable costs directly attributable to the presence of a dog or cat. The total pet deposit is $200.00. An initial payment of $100.00 deposit must be made prior to the date the pet is to be brought into the unit. The Housing Authority can make a payment agreement for the deposit balance of $100.00 to be paid within a period of no more than six months.

The Housing Authority reserves the right to change or increase the required deposit by making an amendment to these rules.

The Housing Authority will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, upon removal of the pet from the unit or if the owner leaves the unit. The Housing Authority 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 Housing Authority 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 Housing Authority will provide a meeting to discuss the charges.

This deposit is in addition to any other financial obligation generally imposed on tenants of the project. The pet deposit will be used to pay all reasonable expenses incurred by the Housing Authority as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit
- Fumigation of the dwelling unit
- Repair costs to common areas of the project.

Pet Deposits are not a part of rent payable by the resident.

L. ALTERATIONS TO UNIT

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.

M. PET WASTE REMOVAL CHARGE

It is the resident/pet owner's responsibility to take care of the pet's waste. If the pet owner fails to comply with this responsibility, a separate pet waste removal charge of $5.00 per occurrence will be assessed against the resident for violations of the Pet policy and a warning will be issued to the family. Two or more such warnings in a 12-month period may be grounds for eviction.

Pet deposit and pet waste removal charges are not part of rent payable by the resident.

Residents/Pet Owners are not permitted to deposit waste on project premises.

N. 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.

O. NOISE

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to, loud or continuous barking, howling, whining, biting, scratching, chirping or other such activities.

P. CLEANLINESS REQUIREMENTS

Litter Box Requirements. 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.
- Litter boxes shall be stored inside the resident's dwelling unit.

Removal of Waste from Other Locations. The Resident/Pet Owner shall be responsible for the removal of waste by placing it in a sealed plastic bag and disposing of it in an outside trash bin.

Any unit occupied by a dog, cat, or rodent will be fumigated at the time the unit is vacated.

The resident/pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Q. PET CARE

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 8 hours.

All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention of 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.

R. RESPONSIBLE PARTIES

The resident/pet owner will be required to submit a notarized statement from two adults, who are not residents at a Housing Authority facility, indicating the individual's willingness to provide 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.

S. INSPECTIONS

The Housing Authority may, after 24-hour notice to the tenant, enter and inspect the premises to verify compliance with this Policy.

T. PET RULE VIOLATION NOTICE

If a determination is made, on objective facts supported by written statements, that a resident/pet owner has violated the Pet Policy, written notice will be served.

The Notice will contain a brief statement of the factual basis for the determination and the Pet Policy that was violated. The notice will also state:

- That the resident/pet owner has (depending upon the nature of the violation) between 10 calendar days from the effective date of the service of notice to correct the violation or to make a written request, within 5 calendar days, for a meeting to discuss the violation

- 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 5 calendar day period, the meeting will be scheduled no later than 14 calendar days before the effective date of service of the notice, unless the pet owner agrees to a later date.

U. NOTICE FOR PET REMOVAL

If the resident/pet owner and the Housing Authority 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 Housing Authority, the Housing Authority may serve notice to remove the pet.

The Notice shall contain:

- A brief statement of the factual basis for the Housing Authority's determination of the Pet Rule that has been violated;

- The requirement that the resident/pet owner must remove the pet within 10 days of the notice; and

- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

V. TERMINATION OF TENANCY

The Housing Authority may initiate procedures for termination of tenancy based on a pet rule violation if:

1. The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and

2. The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

W. PET REMOVAL

If the death or incapacity of the pet owner threatens the health or safety of the pet, 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. This action will include pets that are poorly cared for or have been left unattended for over 24 hours.

If the responsible party is unwilling or unable to care for the pet, or if the Housing Authority after reasonable efforts cannot contact the responsible party, the Housing Authority may contact the appropriate State or local agency and request the removal of the pet at the resident/pet owner's expense.

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.

X. EMERGENCIES

The Housing Authority 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 Housing Authority to place the pet in a shelter facility, the cost will be the responsibility of the resident/pet owner.

Chapter 11

RECERTIFICATIONS

[24 CFR 5.617, 24 CFR 960.209]

INTRODUCTION

HUD requires that the Housing Authority recertify all families at least annually. At the annual recertification families must report their current household composition, income, deductions and allowances. Between regular annual recertifications, HUD requires that families report all changes in household composition, but the Housing Authority decides what other changes must be reported and the procedures for reporting them. This Chapter defines the Housing Authority's policy for conducting annual recertifications. It also explains the interim reporting requirements for families and the standards for timely reporting.

A. ELIGIBILITY FOR CONTINUED OCCUPANCY

Residents who meet the following criteria will be eligible for continued occupancy:

- Qualify as a family as defined in this policy
- Are in full compliance with the obligations and responsibilities described in the dwelling lease
- Whose 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
- Whose family members have submitted required citizenship/eligible immigration status/non-contending documents

B. ANNUAL RECERTIFICATIONS

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.

Families who choose the flat rent are to be recertified 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 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. The Housing Authority 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.

The notification shall explain family choice of income-based or flat rent. 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 when they attend their appointment at Housing Department office.

If the family chooses flat rent, no reexamination appointment will be necessary.

Methodology

If the family chooses income-based rent, or if the family has paid the flat rent for three (3) years, the Housing Authority will use the following methodology for conducting annual recertifications:

- **To schedule the specific date and time of appointments in the written notification to the family.**

Persons with Disabilities

- Persons with disabilities, who are unable to come to the Housing Authority'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 *Application for Continued Occupancy* form prior to all annual and interim recertification interviews and to provide all pertinent information including, but not limited to income, family composition and the latest income tax statements for all adults.

Requirements to Attend

The following family members will be required to attend the recertification interview and sign the Application for Continued Occupancy:

- All adult household members

If the head of household is unable to attend the interview due to medical reasons or an emergency:

- The spouse and all adult members may recertify for the family, provided that the head comes in within 5 working days to recertify.

Failure to Respond to Notification to Recertify

The written notification will explain that all adult members are required to attend the recertification interview. The family may call to request another appointment date up to 2 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 Housing Authority**,** the Housing Authority will mail a second appointment along with a phone call to confirm. If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the Housing Authority will not schedule a third appointment and terminate tenancy for the family.

Exceptions to these policies may be made by the Executive Director or his/her designee 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 Housing Authority will include instructions for the family to bring the following:

- Documentation of income for all family members, including minors.
- Most recent income tax forms.
- Documentation of liquid and non-liquid assets, including minors.
- Documentation to substantiate any deductions or allowances
- Application for Continued Occupancy Form completed by the head of household
- Verification of Information
- Any other information, as requested

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
- 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) & (o)].

Tenant Rent Increases

If tenant rent increases, 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 and the case may be investigated for fraud.

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 Housing Authority. 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.

If the tenant rent decreases and the tenant reported the change within a month prior to the annual recertification anniversary date or between the annual recertification anniversary date and the effective date of the annual recertification, the change will be treated as an interim. The change will be effective the first of the following month that the family reported the change. If necessary, the Housing Authority will run another HUD 50058 as an annual recertification.

C. REPORTING INTERIM CHANGES

Families must report all changes in household composition and/or income within 10 days of occurrence to the Housing Authority between annual reexaminations. This includes additions to the household due to birth, adoption and court-awarded custody. The family must obtain Housing Authority 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 Housing Authority will use, the Interim Reexamination Policy.

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 Housing Authority of the family member being added to the lease. Also, the criminal background check must be cleared before the authorization is given to add the new member.

Interim Reexamination Policy

Families who are requesting an interim must pick up an Application for Continued Occupancy Form. This form will be date stamped and will indicate the appointment date and time. The date stamped Application and Continued Occupancy Form will indicate the day the family requested the interim. No changes to the lease will be effective the same month the family is requesting a change.

Increases in Income to be Reported

Families paying flat rent are not required to report any increases in income or assets. Other families must report all increases in income/assets of all household members to the Housing Authority in writing within 10 calendar days of the occurrence.

Increases In Income and Rent Adjustments

The Housing Authority will process a rent adjustment for increases of rent of $5.00 or more per month.

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 Housing Authority will process the rent adjustment unless the Housing Authority confirms that the decrease in income will last less than 30 calendar days. The Housing Authority will process rent adjustments whenever there is a decrease in income of $5.00 or more per month.

D. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The Housing Authority will not reduce the public housing 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 Housing Authority 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, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Verification Before Denying a Request to Reduce Rent

The Housing Authority 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 Housing Authority has taken a proactive approach to culminating an effective working relationship between the Housing Authority and the Department of Social Services for the purpose of targeting economic self- sufficiency programs throughout the community that are available to public housing residents.

E. OTHER INTERIM REPORTING ISSUES

An interim reexamination will be scheduled for families with zero income every 90 days.

If there is a change from benefit income to employment income, the Housing Authority will defer the family's rent increase for six months, or until the annual reexamination, in order to encourage families to move to self-sufficiency. This incentive will only be provided once to any family member.

If the family member leaves the job without good cause after six months and before twelve months, the rent will be calculated retroactively to include the employment income.

- This incentive is not provided to persons who work seasonally.

If there is a change in income not due to the reduction in welfare assistance specifically because of:

- Fraud
- Failure to participate in economic self-sufficiency programs
- Non-compliance with a work activities requirement
- If a family member is removed from the Dwelling Lease

- If a family member is included in the Dwelling Lease
- **If a family member is a full-time student**
- If a family member is no longer a full-time student.

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.

Housing Authority Errors

If the Housing Authority makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted to correct the error, but the family will not be charged retroactively.

F. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)

Standard for Timely Reporting of Changes

The Housing Authority requires that families report interim changes to the Housing Authority within ten working days of when the change occurs. Any information, document or signature needed from the family that is needed to verify the change must be provided within three working days of the change.

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 Housing Authority), it will be considered untimely reporting.

Procedures When the Change is Reported in a Timely Manner

The Housing Authority 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 are effective the first of the month following the month in which the change is reported.

The change may be implemented based on review of documents provided by the family or third party written verification. If neither documentation is available the interim will not be completed until the following month and will be effective the month after.

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 or make a lump sum payment in accordance with Chapter 14, Family Debts to the Housing Authority.
- The Housing Authority will not execute a payment agreement if the payback is so much that it will take the family longer than 18 months to complete the agreement.
- Decrease in Tenant Rent will be effective on the first of the month following completion of processing by the Housing Authority and not retroactively.

Procedures when the Change is not Processed by the Housing Authority 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 Housing Authority 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 Housing Authority.

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 Housing Authority. The family must inform the Housing Authority and request approval of additional family members other than additions due to birth, adoption, court-awarded custody before the new member occupies the unit.

The Housing Authority will not approve the addition of family members other than by birth, adoption or court-awarded custody where the occupancy standards would require a larger size unit.

All changes in family composition must be reported within 10 working days of the occurrence in writing.

If an adult family member is declared permanently absent by the head of household, the head of household or spouse must submit a statement requesting the removal of the adult member. If the head of household wishes to be removed permanently from the Dwelling Lease the head of

household must provide a notarized statement to this regard; no other person can remove the head of household unless s/he authorizes the action in writing.

The removal of a member indicates that there is a waiting period of 2 years for anyone that is removed from a lease and then wants to be reinstated.

Increase in Family Size

The Housing Authority 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 Housing Authority-approved live-in attendant.
- Addition of any relation of the Head or Spouse.
- Addition due to birth, adoption or court-awarded custody.

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.

Definition of Temporarily/Permanently Absent

The Housing Authority must compute all applicable income of every family member who is on the lease, including those who are temporarily absent.

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.

It is the responsibility of the head of household to report changes in family composition. The Housing Authority will evaluate absences from the unit in accordance with this policy.

If a family member is temporarily/permanently absent due to work and/or school, the family member is responsible to sign any required paperwork (lease agreement/amendment, forms) within 30 days of the effective date of the change. If the family member fails to sign the required paperwork, the head or spouse must remove the family member from the contract.

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 Housing Authority will terminate tenancy in accordance with the appropriate lease termination procedures contained in this Policy.

Families are required to notify the Housing Authority before they move out of a unit in accordance with the lease and to give the Housing Authority information about any family absence from the unit.

Families must notify the Housing Authority if they are going to be absent from the unit for more than twenty 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 Housing Authority 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, with Housing Authority permission, for more than 20 consecutive days, the unit will be considered to be vacant and the Housing Authority will terminate tenancy.

As a reasonable accommodation for a person with a disability, the Housing Authority 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.

If the absence which resulted in termination of tenancy was due to a person's disability, and the Housing Authority can verify that the person was unable to notify the Housing Authority in accordance with the lease provisions regarding absences, and if a suitable unit is available, the Housing Authority may reinstate the family as an accommodation if requested by the family.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for 3 consecutive months 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 Housing Authority will seek advice from the members physician 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 180 consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remains 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 Housing Authority's "Absence of Entire Family" policy.

Absence due to Incarceration

If the sole member is incarcerated for more than 10 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 10 consecutive days. The rent and other charges must remain current during this period.

The Housing Authority will determine if the reason for incarceration is for drug-related or criminal activity that would threaten the health, safety and right to peaceful enjoyment of the dwelling unit by other residents.

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 Housing Authority 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 6 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 Housing Authority'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 Housing Authority will treat that adult as a visitor for the first 14 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 Housing Authority will secure verification from social services staff or the attorney as to the status.

The Housing Authority will transfer the lease to the caretaker, in the absence of a court order, if

the caretaker qualifies under the Tenant Suitability criteria and has been in the unit for more than 2 months and it is reasonable to expect that custody will be granted.

When the Housing Authority 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 Housing Authority 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 60 days, the person will be considered permanently absent.

If an adult child goes into the military and leaves the household, they will be considered permanently absent.

Full time students who attend school away from the home will be treated in the following manner:

- 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.

- If the student is considered temporarily absent from the household, applicable income for that person will be counted.

- Full time students who are enrolled for less than 3 years, attend school away from the home and live with the family during school recess will be considered temporarily absent from the household.

- Full time students who enroll for 3 years or more may be considered permanently absent.

Visitors (See Chapter on Leasing)

Any adult not included on the HUD 50058 who has been in the unit more than 14 consecutive days, or a total of fifteen cumulative days in the month will be considered to be living in the unit as a unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is an unauthorized household member.

Statements from neighbors and/or Housing Authority staff will be considered in making the determination.

The Housing Authority will consider:

- Statements from neighbors and/or Housing Authority staff
- Vehicle license plate verification
- Post Office records
- Drivers 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. In the absence of such proof, the individual will be considered an unauthorized member of the family and the Housing Authority 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 20 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 30 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 THE UNIT

To be considered the remaining member of the tenant family, the person must have been previously approved by the Housing Authority 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 Housing Authority 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 Housing Authority shall grant exceptions from the occupancy standards if the family requests and the Housing Authority determines the exceptions are justified according to this policy.

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

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.

(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 Housing Authority may no longer offer temporary deferral of termination (See Chapter on "Lease Terminations").

CHAPTER 12

LEASE TERMINATIONS

[24 CFR 966.4]

INTRODUCTION

The Housing Authority 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 (l)(2)], and the terms of the lease. This Chapter describes the Housing Authority'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 Housing Authority with a 30 day written notice informing the agency of the tenant’s intent to vacate.

B. TERMINATION BY THE HOUSING AUTHORITY

Termination of tenancy will be in accordance with the Housing Authority's lease.

The public housing lease is automatically renewable, EXCEPT the public housing lease shall have a 12-month term for community service and will not be renewed in the case of noncompliance with the community service requirements. See Chapter 17 for Community Service.

The lease may be terminated by the Housing Authority 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 Landlord 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;

- Failure to maintain the unit in a clean, safe and sanitary condition. This includes the tenant's failure to pass inspections.

- **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 shall not engage in criminal activity, including drug-related criminal activity, *on or off* public housing premises (as defined in the lease), while the Tenant is a Tenant in public housing, and such criminal activity shall be cause for termination of tenancy. 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)).

- If contraband or a controlled substance is seized on the above premises, incidental to a lawful search or arrest, the Landlord (the Housing Authority) will be notified by the County Attorney's Office that it is to bring an unlawful detainer action against that Tenant. The Landlord (Housing Authority) will then commence unlawful detainer procedures to terminate the Lease.

- Alcohol abuse that the Housing Authority determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

- **Non-compliance with Non-Citizen Rule requirements.**

- Other good cause.

C. NOTIFICATION REQUIREMENTS

The Housing Authority'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 and protections afforded by the regulations and this policy. (See Chapter on Complaints, Grievances and Hearings.)

Notices of lease termination shall be in writing and delivered to the tenant or adult member of the household or sent by first class mail properly addressed to tenant return receipt requested. The return of the certified mail receipt, whether signed or unsigned, shall be considered to be proof that the resident received proper notification.

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 Housing Authority 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, up to 7 calendar days, considering the seriousness of the situation when the health or safety of other residents or Housing Authority employees is threatened;
- At least thirty days prior to termination in all other cases.

The Housing Authority 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

The Housing Authority will immediately and permanently 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 Housing Authority will terminate assistance of participants in cases where the Housing Authority determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses 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 Housing Authority determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

The Housing Authority will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous 3 months.

"Engaged in or engaging in or recent history of" drug related criminal activity means any act within the past 10 years by applicants or participants, household members, or guests which involved drug-related 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.

"Engaged in or engaging in or recent history of" criminal activity means any act within the past

10 years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the Housing Authority, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

In evaluating evidence of negative behavior, the Housing Authority will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

The Housing Authority will not waive this policy.

D. RECORD KEEPING

A written record of every termination and/or eviction shall be maintained by the Housing Authority 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.

Records for persons whose leases were terminated for any reason will be kept by the Housing Authority indefinitely.

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, were eligible for temporary deferral of termination of assistance to permit the family additional time for transition to affordable housing.

Deferrals may have been granted for intervals not to exceed six months, up to an aggregate maximum of three years for deferrals granted prior to 11/29/96 or up to 12 months if granted after 11/29/96. However, due to the timeframe applicable to the deferral period, current families are no longer eligible for deferral of termination of assistance.

Families 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:

- **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; 12 months for deferrals granted after 11/29/96.**

If the Housing Authority determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis, the family's assistance will be terminated for 5 years. This provision does not apply to a family if the eligibility of the ineligible individual was considered in calculating any proration of assistance provided for the family.

CHAPTER 13

COMPLAINTS, GRIEVANCES AND APPEALS

[24 CFR 966.50-966.57]

INTRODUCTION

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the Housing Authority. This Chapter describes the policies to be used when families disagree with a Housing Authority decision. It is the policy of the Housing Authority to ensure that all families have the benefit of all protections due to them under the law.

Grievances shall be handled in accordance with the Housing Authority's approved Grievance Procedures. The written grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.

A. COMPLAINTS

The Housing Authority will respond promptly to all complaints.

Each complaint regarding physical condition of the units may be reported by phone to the Maintenance Department. Anonymous complaints are checked whenever possible. The Housing Authority does require that complaints be put in writing.

Complaints from families. If a family disagrees with an action or inaction of the Housing Authority, complaints will be referred to the Housing Administration Director. Complaints regarding physical condition of the units may be reported by phone to the Maintenance Director.

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, the complaints will be referred to the Housing Manager or the Administration Housing Director.

Complaints from the general public. Complaints or referrals from persons in the community in regard to the Housing Authority or a family will be referred to the Housing Administration Director.

Anonymous complaints will be checked whenever possible.

B. APPEALS BY APPLICANTS

Applicants who are determined ineligible, who do not meet the Housing Authority's admission standards, or where the Housing Authority 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 Housing Authority within 10 working days from the date of the notification of their ineligibility.

If the applicant requests an informal hearing, the Housing Authority will provide an informal hearing within 10 working days of receiving the request. The Housing Authority 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 or a 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 Housing Authority will be considered by the hearing officer.

The hearing officer will make a determination based upon the merits of the evidence presented by both sides. Within 10 working days of the date of the hearing, the hearing officer will mail a written decision to the applicant and provide a copy to the Housing Authority. A copy of the decision will be placed in the applicant's file.

The grievance procedures for Public Housing tenants do not apply to Housing Authority determinations that affect applicants.

C. APPEALS BY TENANTS

Grievances or appeals concerning the obligations of the tenant or the Housing Authority under the provisions of the lease shall be processed and resolved in accordance with the Grievance Procedure of the Housing Authority, which is in effect at the time such grievance or appeal arises.

(See the Housing Authority's Grievance Procedure contained in this chapter.)

D. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"

Assistance to the family may not be delayed, denied or terminated when an INS appeal is pending on the basis of immigration status.

Assistance to a family may not be terminated or denied while the Housing Authority hearing is pending but assistance to an applicant may be delayed pending the Housing Authority's hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search does not verify the claim, the Housing Authority will notify the applicant or tenant of the notification that it received from the INS, within ten days, and inform the family of their right to an informal hearing to appeal the Housing Authority's decision pending their appeal to the INS. If the family appeals to the INS, they must give the Housing Authority a copy of the appeal and proof of mailing or the Housing Authority may proceed to deny or terminate assistance. The time period to request an appeal may be extended by the Housing Authority for good cause.

The request for a Housing Authority hearing must be made within fourteen calendar 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 the "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 Housing Authority will not qualify for deferral.

If there are eligible members in the family, the Housing Authority 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 documentation or certification, the family will be denied or terminated for failure to comply.
- 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. 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 Housing Authority regulations which adversely affect the individual tenant's rights, duties, welfare, or status.

Complainant. Any tenant whose grievance is presented to the Housing Authority informally or as part of the informal hearing process.

Hearing Officer. A person selected in accordance with this grievance procedure to hear grievances and render a decision with respect thereto.

Tenant. A lessee or the remaining head of household of any tenant family residing in a housing unit owned or leased by the Housing Authority.

Elements of Due Process. An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards is 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 Housing Authority prior to the hearing 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 Housing Authority 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.

Guest. Shall mean a person in the unit "with the consent" of a household member.

Hearing Officer. Shall mean a person selected in accordance with Section V (B) to hear grievances and render a decision with respect thereto.

Hearing Panel. Shall mean a panel selected in accordance with Section V (B) to hear grievances and render a decision with respect thereto.

Tenant. Shall mean the adult person(s) other than a Live-in Attendant who:

- Resides in the unit, and who executed the Lease with the Authority as Lessee of the dwelling unit, or, if no such person now resides in the unit.

- Resides in the unit, and who is the remaining head of household of the Tenant family residing in the dwelling unit.

Applicability

This Grievance Procedure applies to all individual grievances, except any grievance concerning a termination of tenancy or eviction that involves:

- Any activity, not just criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or Housing Authority employees, or

- Any drug-related criminal activity *on* or *off* such premises.

The PHA grievance procedure shall not be applicable to disputes between tenants not involving the PHA or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the PHA's Board of Commissioners.

Pre-Hearing Procedures

Informal Grievance Procedures

Any grievance shall be presented in writing to the Housing Authority office or to the housing management office that sent the notice on which the grievance is based. Written grievances must be signed by the complainant. The grievance must be presented within no more than the first working day after the 5th day of the action or failure to act by the Housing Authority, which is the basis for the grievance. The written grievance must specify:

- The particular grounds upon which it is based;

- The evidence to prove the family's grounds;

- The action requested; and

- The name, addresses, and telephones number of the complainant, and similar information about the complainant's representative, if any.

The purpose of the initial discussion is to discuss and to resolve the grievance without the necessity of a formal hearing.

Within ten working days, a summary of this discussion will be given to the complainant by a

Housing Authority representative. 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. The summary will also specify the steps by which an formal hearing can be obtained.

Dissatisfaction with Informal Conference

If the complainant is dissatisfied with the proposed disposition of the grievance, s/he shall submit a written, signed, request for a hearing within 5 working days of the date of the summary of the informal meeting. The request for a hearing must be presented to the Housing Authority's Executive Director. 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 formal hearing within 5 working days, s/he waives his/her right to a hearing, and the Housing Authority'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 Housing Authority's disposition in an appropriate judicial proceeding.

Right to a Hearing

After exhausting the informal conference procedures outlined above, a complainant shall be entitled to a hearing before a hearing officer.

The head of household or other adult household member must attend the hearing.

If rescheduling of the hearing is necessary, the hearing must be rescheduled at least 5 working days in advance of the scheduled hearing time or the complainant waives their right to a hearing.

If the complainant fails to appear within 10 minutes of the scheduled time, the complainant waives their right to a hearing.

The Housing Authority will provide reasonable accommodation for persons with disabilities to participate in the hearing. The Housing Authority must be notified within 5 calendar days of the scheduled time if special accommodations are required.

Selection of Hearing Officer or Hearing Panel

A grievance hearing shall be conducted by an impartial person or persons appointed by the Housing Authority other than the person who made or approved the Housing Authority action under review, or a subordinate of such person. If the complainant does not agree with the hearing official selected by the Housing Authority, they shall each select a member of the three member-hearing panel and mutually select the third member. If the complainant does not provide a viable candidate for the third panelist, within 5 working days, the Housing Authority will select the panelist, but may not be a Housing Authority Commissioner or employee.

Procedures to Obtain a Hearing

Informal Prerequisite

All grievances must be informally presented, following the previously outlined process, as a prerequisite to a formal hearing.

The hearing officer may waive the prerequisite informal conference if, and only if, the complainant can show good cause why s/he failed to proceed informally.

If the complainant does not request a formal hearing within the time period allowed, s/he waives her/his right to the hearing and proposed disposition of the grievance will become final.

Escrow Deposit

Before a hearing is scheduled for any grievance involving an amount of rent, the Housing Authority claims is due, the complainant shall pay to the Housing Authority 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.

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 Housing Authority'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, at a time and place reasonably convenient to the complainant and the Housing Authority.

A written notification of the date, time, place, and procedures governing the hearing shall be delivered to the complainant and the appropriate Housing Authority official.

Hearing Procedures

The hearing shall be held before a hearing officer or 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 Housing Authority that are relevant to the hearing with at least a 72 hour written notice to the Housing Authority Administration Department prior to the hearing. Any document not so made available after request by the complainant may not be relied upon by the Housing Authority at the hearing.**

- The Housing Authority shall also have the opportunity to examine and to copy at the expense of the Housing Authority all documents, records and statements that the family plans to submit during the hearing to refute the Housing Authority's inaction or proposed action. The complainant must inform the Housing Authority, in writing, of the documentation it will use at least 5 working days prior to the hearing. Any documents not so made available to the Housing Authority may not be relied upon at the hearing.

- 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 and to have such person make statements on the tenant’s behalf.

- The right to present evidence and arguments in support of the complaint, to controvert evidence presented by the Housing Authority, and to confront and cross-examine all witnesses upon whose testimony or information the Housing Authority relies, limited to the issues for which the complainant has received the opportunity for a formal hearing; 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 Housing Authority fail to appear at the scheduled hearing, the hearing officer may:

- Postpone the hearing for a period not to exceed 5 working days.

- **make a determination that the party has waived his/her right to a hearing.**

Such a determination in no way waives the complainant's right to appropriate judicial proceedings in another forum.

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the Housing Authority must sustain the burden of justifying the Housing Authority action or failure to act against which the complaint is directed.

The hearing shall be conducted by the hearing officer as follows:

- **Informal**: 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;

- **Formal**: The hearing officer shall require the Housing Authority, complainant, counsel, and other participants and spectators to 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.

The Housing Authority may arrange in advance, if requested in writing 48 hours before the date of the hearing, for a transcript or audiotape of the hearing. Any interested party may purchase a copy of such transcript.

Accommodations of persons with disabilities. (1) The PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the tenant is visually impaired, any notice to the tenant, which is required under this subpart, must be in an accessible format.

Decisions of the Hearing Officer/Panel

The hearing officer shall give the Housing Authority and the complainant a written decision, including the reasons for the decision, within 12 working days following the hearing. The Housing Authority will place one copy in the tenant files. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by the PHA and made available for inspection by a prospective complainant, his representative, or the hearing panel or hearing officer.

The decision of the hearing officer shall be binding on the Housing Authority which shall take all actions necessary to carry out the decision, unless the complainant requests Board action within 5 working days prior to the next Board meeting. The Housing Authority Commissioners' decision will be mailed to the complainant within 15 working days following the Board meeting, and so notifies the complainant that:

- **The grievance does not concern the Housing Authority action or failure to act in accordance with or involving the complainant's lease or Housing Authority regulations which adversely affect the complainant's rights, duties, welfare or status;**

- **The decision of the hearing officer is contrary to applicable Federal, State, or local law, HUD regulations or requirements of the Annual Contributions Contract between HUD and the Housing Authority.**

A decision by the hearing officer or Housing Authority Commissioners in favor of the Housing Authority or which denies the relief requested by the complainant in whole or part shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial de novo or judicial review in any judicial 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 Housing Authority notice of termination of tenancy, and the hearing officer upholds the Housing Authority action, the Housing Authority shall not commence an eviction action until it has served a notice to vacate on the tenant.

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 HOUSING AUTHORITY

INTRODUCTION

This Chapter describes the Housing Authority'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 Housing Authority'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 Housing Authority'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 Housing Authority, the Housing Authority will make every effort to collect it. The Housing Authority 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 set-off programs

A. PAYMENT AGREEMENT FOR FAMILIES

A Payment Agreement as used in this Plan is a document entered into between the Housing Authority and a person who owes a debt to the Housing Authority. 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 Housing Authority upon default of the agreement.

The maximum amount for which the Housing Authority will enter into a payment agreement with a family is $ 2,500. The maximum length of time the Housing Authority will enter into a payment agreement with a family is 18 months.

The minimum monthly amount of any payment agreement is $25.00. The Housing Authority may use a sliding scale system to determine the monthly payment.

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 Housing Authority will:

- Require the family to pay the balance in full; and/or
- Pursue civil collection of the balance due; and/or
- Terminate tenancy

If the family requests a transfer to another unit and has a payment agreement in place in 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 Housing Authority

Amount Owed and Maximum Term	
$0 - $500	3 - 6 months
$501 - $1,000	6 - 12 months
$1,001 - $2,500	12 - 18 months

There are some circumstances in which the Housing Authority will not enter into a payment agreement. They are:

- If the family already has a payment agreement in place.
- If the Housing Authority determines that the family has committed program fraud.
- If the Housing Authority determines that the debt, due to fraud or failure to report income, is so large that it would take more than 18 months to repay.

Guidelines for Payment Agreements

Payment agreements will be executed between the Housing Authority, the head of household, spouse and the corresponding adult member

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:

- A natural disaster

Additional Monies Owed

If the family has a payment agreement in place and incurs an additional debt to the Housing Authority:

- The Housing Authority 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(s), omission, or concealment of a substantive fact, made with intent to deceive or mislead.

Family Error/Late Reporting

Families who owe money to the Housing Authority 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 Housing Authority due to program fraud will be required to repay in accordance with the guidelines in Section A of this Chapter.

If a family owes an amount that equals or exceeds $5000.00 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the Housing Authority 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:

- The family will be required to pre-pay 25% of the amount owed prior to or upon execution of the payment agreement.

- The minimum monthly payment will be $25.00.

- The maximum time period for a repayment agreement will be 18 months.

- **The amount of the monthly payment will be determined in accordance with the family's current income, but not less than $25.00 per month and not to exceed the 18-month period allowed.**

C. WRITING OFF DEBTS

Debts will be written off if:

The debtor is deceased.

The debtor is confined to an institution indefinitely or for more than 5 years.

The amount is less than $25.00 and the debtor cannot be located.

Chapter 15

COMMUNITY SERVICE

[24 CFR 960.603-960.611]

A. REQUIREMENT

Each adult resident of the Housing Authority 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.

B. EXEMPTIONS

The Housing Authority shall provide an exemption from the community service requirement for any individual that:

- Is 62 years of age or older;
- Is a blind or disabled individual, as defined under section 216[i][l] or 1614 of the Social Security Act, and who 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 Housing Authority will re-verify exemption status annually except in the case of an individual who is 62 years of age or older.

The Housing Authority will permit residents to change exemption status during the year if status changes.

C. DEFINITION OF ECONOMIC SELF-SUFFICIENCY PROGRAM

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 one of the following:

- Participating in the Family Self-Sufficiency Program and being current in the steps outlined in the Individual Training and Services Plan;
- Participating in an educational or vocational training program designed to lead to employment, at least 20 hours per week;
- Improving the physical environment of the resident's development at a minimum of 20 hours per week;
- Volunteer work in a local school, hospital, child care center, homeless shelter, or other community service organization at a minimum of 20 hours per week;
- Working with the Housing Authority's youth organization, a minimum of 20 hours per week:
- Helping neighborhood groups on special projects a minimum of 20 hours per week;
- Raising young (pre-school) children at home when spouse is working;

Participation in programs that develop and strengthen resident self-responsibility at a minimum of 20 hours per week such as:

- Drug and alcohol abuse counseling and treatment
- Household budgeting
- Credit counseling
- English proficiency; or
- Other activities as approved by the Housing Authority on a case-by-case basis.

The Housing Authority will give residents the greatest choice possible in identifying community service opportunities and consider a broad range of self-sufficiency opportunities.

D. ANNUAL DETERMINATIONS

Requirement – For each public housing resident subject to the requirement of community service, the Housing Authority shall, 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.

E. NONCOMPLIANCE

If the Housing Authority determines that a resident subject to the community service requirement has not complied with the requirement, the Housing Authority shall notify the resident of such noncompliance, and that:

- The determination of noncompliance is subject to the administrative grievance procedure under the Housing Authority'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 Housing Authority 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 Housing Authority 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.

Ineligibility for Occupancy for Noncompliance

The Housing Authority 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. HOUSING AUTHORITY RESPONSIBILITY

The Housing Authority will ensure that all community service programs are accessible for persons with disabilities.

The Housing Authority 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 Housing Authority's employees responsible for essential maintenance and property services; or
- The work is not otherwise unacceptable.

G. HOUSING AUTHORITY IMPLEMENTATION OF COMMUNITY SERVICE REQUIREMENT

The Housing Authority will administer the community service program through contracts and

collaborative agreements with volunteer and community agencies and when possible, will administer its own community service program, with cooperative relationships with other entities.

In accordance with HUD regulations the Community Service requirement has been suspended until further notice.

Chapter 16

GLOSSARY

I. TERMS USED IN DETERMINING 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. Annual income includes:

- The full amount before any payroll deductions, of wages and salaries, overtime pay, commissions fees, tips and bonuses, and other compensation for personal services.

- 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.

- 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.

- **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.**

- Payments in lieu of earnings, such as unemployment and disability compensation, workers' compensation, and severance pay.

- All welfare assistance payments received by or on behalf of any family member. (24 CFR 913.106(b)(6) contains rules applicable to "as-paid" States).

- 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.

- All regular pay, special pay and allowances of a member of the Armed Forces (except special pay to a family member serving the Armed Forces who is exposed to hostile fire).

EXCLUSIONS FROM ANNUAL INCOME (24 CFR 5.609)

Annual income does not include the following:

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

- 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);

- Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health, and accident insurance and workers' compensation) capital gains, and settlement for personal property losses;

- Amounts received by the family that are specifically for or in reimbursement of the cost of medical expenses for any family member.

- Income of a live-in aide, provided the person meets the definition of a live-in aide.

- 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 child care 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 HA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time.

- 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 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 the period during which the family member participates in the employment training program.

- Temporary, non-recurring, or sporadic income (including gifts).

- 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.)

- Earnings in excess of $480 for each full-time student 18 years old or older, (excluding the head of household and spouse).

- Adoption assistance payments in excess of $480 per adopted child.

- The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988 (42 U.S.C. 1437 et seq.), or any comparable Federal, State or local law during the exclusion period. For purposes of this paragraph the following definitions apply:

- Comparable Federal, State or local law means a program providing employment training and supportive services that: (1) is authorized by a Federal, State or local law; (2) is funded by the Federal, State or local government; (3) is operated or administered by a public agency; and (4) has as its objective to assist participants in acquiring job skills.

- Exclusion period means the period during which the resident participates in a program as described in this section plus 18 months from the date the resident begins the first job acquired by the resident after completion of such program that <u>is not</u> funded by public housing assistance under the U.S. Housing Act of 1937. If the resident is terminated from employment without good cause, the exclusion period shall end.

- Earnings and benefits means the incremental earnings and benefits resulting from a

qualifying employment training program or subsequent job.

- **Deferred periodic payments from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.**
- 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.
- 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.
- 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 as of August 3, 1933:
- The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;
- 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

- Payments received under the Alaska Native Claims Settlement Act. [43 USC 1626 (a)]
- Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes. [25 USC 459e]
- Payments or allowances made under the Department of HHS' Low Income Home Energy Assistance Program. [42 USC 8624 (f)]
- Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 USC 1552 (b)
- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L.94-540).
- 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.
- 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.
- 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.
- 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.
- 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 ChildCare and Development Block Grant Act of 1990. (42 USC 9858q)
- Earned income tax credit refund payments received on or after January 1, 1991. (26 USC 32)(j).
- Living allowances under Americorps Program (Nelson Diaz Memo to George Latimer 11/15/94)

ADJUSTED INCOME

Annual income, less allowable HUD deductions.

All Families are eligible for the following:

- ChildCare 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 deducted must be 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 HA when the expense is incurred to permit education.

- Dependent Deduction. An exemption 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.

- Handicapped Expenses. A deduction of unreimbursed 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 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 use by the handicapped or disabled family member.

    - For non-elderly families and elderly families without medical expense: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.

    - For elderly families with medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of Annual Income, (provided the amount does not exceed earnings) plus medical expenses as defined below.

    - For Elderly and Disabled Families Only:

        - Medical Expenses: A deduction of unreimbursed medical expenses,

including insurance premiums anticipated for the period for which Annual Income is computed. Medical expenses include, 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. To be considered by the HA for the purpose of determining a deduction from the income, the expenses claimed must be verifiable.

- For elderly families without handicapped expenses: The amount of the deduction shall equal total medical expenses less 3% 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.

- Elderly/Disabled Household Exemption: An exemption of $400 per household.

II. GLOSSARY OF HOUSING TERMS

ACCESSIBLE DWELLING UNITS. When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit 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 FACILITY. All or any portion of a facility other than an individual dwelling unit used by individuals with physical handicaps.

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 HA and approved by HUD under which the HA 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.

CEILING RENT. An amount that reflects the reasonable market value of the housing unit, but not less than the sum of the monthly per-unit operating costs and a deposit to a replacement reserve. The family pays the lower of the ceiling rent or the formula tenant rent.

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.

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 older.

DESIGNATED FAMILY. The category of family for whom the HA elects to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 housing Act. (24 CFR 945.105)

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 PERSON. A person who is any of the following:

- A person who has a disability as defined in section 223 of the Social Security Act. (42 USC 423).

- A person who has a physical, mental, or emotional impairment that:

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

- **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)).**

DISABLED FAMILY. A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together or one or more persons with disabilities living with one or more live-in aides.

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. Term means:

- Drug-trafficking; or
- Illegal use, or possession for personal use of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

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)).

ELDERLY FAMILY. A family whose head or spouse or whose sole member is at least 62 years, or two or more persons who are at least 62 years of age or a disabled person. It may include two or more elderly, disabled persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well being.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBLE FAMILY (Family). A family is defined by the HA in the Admission and Continued Occupancy Plan.

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.

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 income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

FAMILY. The applicant must qualify as a family as defined by the HA.

FAMILY OF VETERAN OR SERVICEPERSON. A family is a "family of veteran or serviceperson" when:

- The veteran or serviceperson (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.

- The veteran or serviceperson, 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 a HA to promote self-sufficiency of assisted families, including the provision of supportive services.

FOSTER CHILDCARE 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 ASSISTANCE EXPENSES. Anticipated costs for care attendants and auxiliary apparatus for handicapped or disabled family members, which enable a family member (including the handicapped family member) to work.

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.

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). ("HA" and "Housing Authority" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. The Act in which the U.S. Housing Act of 1937 was recodified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PLAN. 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. 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 QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the Public Housing and Section 8 programs.

HUD. The Department of Housing and Urban Development or its designee.

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 INCOME. HUD passbook rate times the total cash value of assets, when assets exceed $5,000.

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.

INCOME TARGETING. The HUD admissions requirement that HAs 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.

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:

- By exercise of the power of self-government of an Indian Tribe, independent of State law, or
- 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 local preference, formerly known as a federal preference.

LANDLORD. Either the legal owner of the property, or the owner's representative or managing agent as designated by the owner.

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 HA to select among applicant families without regard to their date and time of application.

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.

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 anticipated during the period for which Annual Income is computed, and which are not covered by insurance. (Only Elderly Families qualify) The allowances are applied when medical expenses exceed 3% of Annual Income.

MINIMUM RENT. An amount established by the HA between zero and $50.00.

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 Annual Income after Allowances.

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. [Now referred to as Subsidy Standards] Standards established by a HA to determine the appropriate number of bedrooms for families of different sizes and compositions.

PARTICIPANT. A family that has been admitted to the HA program, and is currently assisted in the program.

PREMISES. The building or complex in which the dwelling unit is located including common areas and grounds.

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 "HA" includes an Indian housing authority (IHA). ("PHA" and "Housing Authority" mean the same thing.)

QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998. The Act which amended the U.S. Housing Act of 1937 and is known as the Public Housing Reform Bill. The Act is directed at revitalizing and improving HUD's Public Housing and Section 8 assistance programs.

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.

RESPONSIBLE ENTITY. For the public housing, Section 8 tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means the HA 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 collected from the family by the owner upon termination of the lease and applied to unpaid rent, damages or other amounts owed to the owner under the lease according to State or local law.

SERVICEPERSON. 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 who is not disabled, elderly, or displaced, or the remaining member of a tenant family.

SPOUSE. The marriage partner 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:

- 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
- Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
- Direct loans pursuant to Section 202 of the Housing Act of 1959; or
- 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;
- 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;
- A Public Housing Project.

SUBSIDY STANDARDS. Standards established by a HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

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 HA.

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT/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 HA'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 LARGE LOWER-INCOME FAMILY. Prior to the change in the 1982 regulations this meant a lower-income family which included eight or more minors. (Term no longer used)

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.

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

WAITING LIST. A list of families organized according to HUD regulations and HA 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.

III. 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.

HA. 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.

Chapter 17

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 Housing Authority 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 Housing Authority will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the Housing Authority'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 Housing Authority undertake an inquiry or an audit of a tenant family arbitrarily. The Housing Authority's expectation is that tenant families will comply with HUD requirements, provisions of the lease, and other program rules. The Housing Authority staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the Housing Authority 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 Housing Authority' s attention, to investigate such claims.

The Housing Authority 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 Housing Authority 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 Housing Authority 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 Housing Authority'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 Housing Authority receives independent verification or documentation that conflicts with representations in the tenant file (such as public record information or credit bureau reports, reports from other agencies).

B. STEPS THE HOUSING AUTHORITY 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 Housing Authority's expectations for cooperation and compliance.

Program Orientation Session. Mandatory orientation sessions will be conducted by the Housing 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 Housing Authority 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 HOUSING AUTHORITY WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

The Housing Authority 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 Housing Authority 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 Housing Authority wherein unreported income sources are disclosed.
- When a tenant's expenditures exceed his/her reported income, and no plausible explanation is given.

D. THE HOUSING AUTHORITY'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

The Housing Authority staff will encourage all tenant families to report suspected abuse to the Housing Manager or the Administration Housing Director. 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 Housing Authority will not follow up on allegations which are vague or otherwise non-specific. The 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 Housing Authority 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 Housing Authority 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 Housing Manager or Administration Housing Director will initiate an investigation to determine if the allegation is true or false.

E. HOW THE HOUSING AUTHORITY WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If the Housing Authority 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 Housing Authority 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 Housing Authority's review.

Other Agencies. Investigators, caseworkers or representatives of other benefit agencies may be contacted.

Public Records. If relevant, the Housing Authority 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 Housing Authority will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate Housing Authority office. A high standard of courtesy and professionalism will be maintained by the Housing Authority 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 HOUSING AUTHORITY

Documents and other evidence obtained by the Housing Authority 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 Housing Authority Staff unless they are involved in the process, or have information that may assist in the investigation.

G. CONCLUSION OF THE HOUSING AUTHORITY'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 Housing Authority 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 Housing Authority 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 Housing Authority , 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 Housing Authority .

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 Housing Authority if the procedure or obligation is not complied with by the date specified by the Housing Authority.
- The consequences of repeated (similar) violations.

Procedural Non-compliance - Retroactive Rent

When the tenant owes money to the Housing Authority for failure to report changes in income or assets, the Housing Authority 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 Housing Authority .
- A 5 working 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 Housing Authority's Notice. If the Tenant fails to comply with the Housing Authority's notice, and a material provision of the lease has been violated, the Housing Authority will initiate termination of tenancy.

Tenant Complies with Housing Authority's Notice. When a tenant complies the Housing Authority'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 Housing Authority 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 Housing Authority has established that material misrepresentation(s) have occurred, a Tenant Conference will be scheduled with the family representative and the Housing Authority staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by the Housing Authority. The purpose of such conference is to review the information and evidence obtained by the Housing Authority 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 Housing Authority. The tenant will be given 10 calendar days to furnish any mitigating evidence.

A secondary purpose of the Tenant Conference is to assist the Housing Authority in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the Housing Authority 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 Housing Authority may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

Criminal Prosecution: If the Housing Authority has established criminal intent, and the case meets the criteria for prosecution, the Housing Authority may:

Refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.

Refer the case to HUD's RIGI, and terminate rental assistance.

Administrative Remedies: The Housing Authority may:

- **Terminate tenancy and demand payment of restitution in full.**

- Terminate tenancy and execute an administrative repayment agreement in accordance with the Housing Authority's Repayment Policy.

- Terminate tenancy and pursue restitution through civil litigation.

- Continue assistance at the correct rent and execute an administrative repayment agreement in accordance with the Housing Authority’s Repayment Policy.

- Permit continued occupancy at the correct rent and execute an administrative repayment agreement in accordance with the Housing Authority's repayment policy.

Notification to Tenant of Proposed Action

The Housing Authority will notify the tenant of the proposed action no later than 10 working days after the tenant conference by certified mail.

BYLAWS OF THE HOUSING AUTHORITY OF THE CITY OF CALEXICO

ARTICLE I

THE AUTHORITY

Section 1. Name of Authority: The official name of the Authority shall be "Housing Authority of the City of Calexico."

Section 2. Seal of Authority: The seal of Authority shall bear both the American and California flags with the Equal Housing Opportunity logo at the bottom, the name of the Authority and the year of its organization.

ARTICLE II

PRINCIPAL OFFICE

Principal Office: The principal office for the transaction of the business of the Housing Authority is hereby fixed within Imperial County and located at 1006 East Fifth Street, Calexico, California. The board is hereby granted full power and authority to change the location of the principal office and also establish one or more subordinate offices at any place or places where the Housing Authority is qualified to do business.

ARTICLE III

BOARD OF COMMISSIONERS

Section 1. Appointment of Commissioners and Terms of Office (The "Board): Pursuant to, and in conformity with the California Health and Safety Code sections 34270 and 34272 or any amendment or successor thereto, the Board shall consist of seven (7) Commissioners appointed by the City Council of the City of Calexico, of whom two (2) shall be tenant Commissioners and of which one (1) shall be over 62 years of age if the Authority has tenants of such age.

Section 2. Term of Office: Of the seven Commissioners, five (5) shall serve terms of four (4) years. The two (2) tenant Commissioners shall serve terms of two (2) years. If a tenant Commissioner ceases to be a tenant of the Authority, he/she shall be disqualified as a Commissioner, shall be dropped as a member of the Board, and another qualified tenant shall be appointed to fill the unexpired term.

ARTICLE IV

FEES AND COMPENSATION

A Commissioner shall not be regularly employed by the Authority to which he/she is appointed during the term of office; nor shall Commissioners receive any salary for their services as Commissioners. However, pursuant to California Health and Safety Code Section 34274, Commissioners may receive per diem payment which shall not exceed fifty dollars ($50.00) per day for attendance at not more than four (4) Authority

meetings per month; and may also receive necessary traveling and subsistence expenses in the discharge of their duties.

ARTICLE V

BOARD OF COMMISSIONERS

Section 1. Powers of Commissioners (Board of Directors): Subject to any limitations as provided by law or these Bylaws, all Housing Authority powers shall be exercised by, or under the authority of, and the business and affairs of the Authority shall be controlled by the Board. Without prejudice to such general powers, but subject to the same limitations, the Board is vested with, and shall have the following powers; to wit:

(a) To select, appoint and remove the Executive Director of the Authority, to prescribe such powers and duties for them as may be consistent with law, the Articles, and/or these By-laws.

(b) To enforce such rules and regulations therefore consistent with law, with the Articles, and/or these By-Laws, as the Board may deem necessary or advisable.

Section 2. Items Requiring Board Approval: The following items are required to have the specific approval by the Board of Commissioners:

- By laws
- Schedule of Rents and Other charges
- Admissions to and Continued Occupancy Policy
- Budget

- Personnel Policy
- Procurement Policy
- Affirmative Action Plan
- Capitalization Policy
- The Annual Contributions Contract
- Grievance Procedures
- Any and all grant agreements between HUD and the HACC
- Any contract exceeding $25,000.

The foregoing list of items does not exclude or limit any other items needing Board approval as provided in the "Powers of Commissioners" as set forth specifically in Section 1., Article V of these bylaws or as may be provided in other sections of these Bylaws.

ARTICLE VI

MEETINGS OF COMMISSIONERS (THE "BOARD")

Section 1. Regular Meetings: Regular meetings of the Board shall be held on the second Thursday of each month at 6:30 p.m. at any place as may be designated from time to time by the Board. In the absence of such designation, meeting shall be held at City Council Chambers.

Section 2. Special Meetings: Special meetings of the Board may be called by the Chairman or by two commissioners, and notice thereof shall be mailed to each commissioner at least 48 hours before the meeting. (California code 34283)

Section 3. Annual Meeting: The Board shall hold an annual organizational meeting on the second Thursday in July of each year for the election and installation of officers and the transaction of other business that may come before the Board.

Section 4. Notices of Meetings, Agenda Consent, Posting:

(a) Notice of time and place of all regular and special meetings shall be delivered personally or sent by first class mail and addressed to each Commissioner at that address as shown on the records of the Housing Authority.

ARTICLE VII

AGENDA

(a) The agenda for each Authority Meeting shall contain a brief general description of each item to be discussed or to be acted upon by the Authority.

(b) The Secretary-Treasurer of the Authority shall post the agenda for each meeting in locations freely accessible to the public at least 72 hours before a regular meeting and at least 48 hours before a special meeting.

ARTICLE VIII

OFFICERS

Section 1. Officers: The officers of the Housing Authority shall be a Chairman, Vice Chairman, a Secretary-Treasurer, and such other officers as the Board may appoint.

Section 2. Election of Officers and Terms:

(a) The Chairman and Vice Chairman shall be elected at the annual organizational meeting of the Board from members of the Board and the election shall be conducted by the Secretary-Treasurer. Elected officers shall serve a term of one (1) year or until their successors are elected and qualified.

(b) The Secretary-Treasurer shall be the Executive Director of the Housing Authority of the City of Calexico. The term of the Secretary-Treasurer should exist as per contractual agreement between the Executive Director and the Housing Authority.

Section 3. Chair of the Board: The Chair of the Board shall preside at all meetings of the Board except as may be provided otherwise in these Bylaws, and shall have such other powers and duties as may be prescribed from time to time by the Board. At each meeting, the Chair shall submit such recommendations and information as he/she may consider proper concerning the business, affairs and policies of the Housing Authority.

Section 4. Vice-Chair of the Board: In the absence or disability of the Chair of the Board, the Vice-Chair of the Board shall perform all the duties of the Chair and, in so acting, shall have all the powers of the Chair. The Vice Chair shall have such other powers and perform such others duties as may be prescribed from time to time by the Board.

Section 5. Resignation: A Commissioner may resign at any time by giving written notice of such resignation to the Secretary-Treasurer of the Housing Authority. Such resignation shall be effective at the time specified therein, and

acceptance shall not be necessary to make it effective. The Secretary-Treasurer shall inform the City Council of such resignation.

Section 6. Attendance at Meetings: Unexcused absence for three (3) consecutive regular or special meetings shall constitute neglect of duty and shall be cause for removal from office by the City Council. The vacancy shall be filled by the City Council. (California Health and Safety Code, Sec. 34282).

Section 7. Removal: A Commissioner may be removed for cause by the appointing City Council, subject to the procedure for removal as set forth in California Health and Safety Code Sec. 34282 or any successor statute(s), or any amendment thereto.

Section 8. Voting Rights: At all meetings of the Board at which business is to be conducted, Board members shall each have one (1) vote when voting on a pending question. A majority vote of the Board members, a quorum being present, shall be required to adopt the pending motion voted upon. (A member of a governmental body may refrain from voting. However, the members of such bodies are under strong obligation to vote on all motions, because decision-making is one of the primary discretionary duties of the office to which they were elected or appointed. A public officer should refrain from voting only when there is a conflict between personal interest and the interest of the body).

Section 9. Vacancies: Any vacancy occurring on the Board, whether by death, incapacity, resignation, removal, or otherwise, shall be filled by the City Council for the unexpired term.

ARTICLE IX

SECRETARY

Section 1. Secretary-Treasurer: The Secretary-Treasurer shall keep, or cause to be kept, a full and complete record of the proceedings of the Board, shall make service of such notices as may be necessary or proper, shall supervise the keeping of the records of the Housing Authority, and shall discharge such other duties as pertain to the office or as prescribed by the Board. The Secretary-Treasurer shall be charged with the management of the Housing Authority.

Section 2. Secretary as the Treasurer: The Secretary shall also be the Treasurer of the Authority and shall have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Authority may select. The Secretary-Treasurer shall sign or direct to be signed all orders or checks for the payment of money and shall disburse such money under the direction of the Authority. All checks of the Authority shall require the signature of the Secretary-Treasurer and any one of the following three: Secretary of the Board, Administrative Services Director, and Housing Administration Director. Each shall be bonded for faithful performance of their duties, as required. The Secretary-Treasurer shall keep regular books of account showing receipts of expenditure and shall render to the Authority at each regular meeting (and at other times when requested) an account of the transactions and also of the financial condition of the Authority.

Section 3. Appointment of Secretary-Treasurer: The Secretary-Treasurer shall be appointed by the Board. Any person appointed to fill the office of Secretary-Treasurer, or any vacancy therein, shall have such term as the Board fixes, but

no Commissioner of the Housing Authority shall be eligible to this office except as a temporary appointee.

Section 4. Officers-Duties: The Officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or the Bylaws and regulations of the Authority.

Section 5. Removal and Resignation: Any officer may be removed by a majority vote of the Commissioners at any regular or special meeting of the Board upon due notice given to the officer to be removed specifying the just cause. Any officer may resign at any time by giving written notice to the Board, the Chair of the Board, or the Secretary-Treasurer. Any such resignation shall take effect upon receipt of such notice or at any later time specified therein; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

ARTICLE X

ADMINISTRATION

Section 1. Executive Director/Secretary-Treasurer: The Executive Director of the Housing Authority shall serve as the Executive Director and Secretary-Treasurer of the Housing Authority. The Executive Director shall attend meetings of the Board and shall have a voice but no vote, and shall administer the business and activities of the Housing Authority, including those specific duties assigned by the Board. The duties as Secretary-Treasurer shall be as prescribed be Section 1 of Article IX, above.

Section 2. Duties of the Executive Director: The duties shall include:

(a) Exercising responsibility for the selection, employment supervision, and termination of all employees of the Housing Authority.

(b) Coordinating and carrying out the Housing Authority's purposes and objectives according to the policies and procedures of the Housing Authority.

(c) Attending, as non-voting member, the meetings of the Board.

(d) Representing the Board and the Housing Authority in dealings with the public and other organizations; and,

(e) Performing such other duties that are delegated by the Board.

ARTICLE XI

MISCELLANEOUS

Section 1. Agents and Representatives: The Board may appoint such agents and representatives of the Housing Authority with power to perform such acts or duties on behalf of the Housing Authority, as the Board may see fit, so far as may be consistent with these Bylaws and applicable laws.

Section 2. Open Meetings: All regular and special meetings of the Board shall be held in compliance with the provisions of Health and Safety Code Section 34283 and the Ralph M. Brown Act, California Government Code Section 54950, et sec.

Section 3. Executive and Closed Meetings: Nothing contained in these Bylaws shall prevent the Board from holding Executive or Closed sessions in compliance with California law. The Board shall publicly report at the Public meeting during which

an Executive or Closed meeting is held, or at its next Public meeting, any action taken at such Executive or Closed session, and any vote taken therein.

ARTICLE XII

ORDER OF BUSINESS

Section 1. Order of Business Meeting: The business of the Housing Authority Board of Directors shall be discussed and acted upon in substantially the following manner. The Board, at its discretion, may change the items of the Agenda and the order in which each item is discussed as the need arises:

1. Roll call
2. Establish that quorum is present
3. Pledge of Allegiance to the Flag
4. Study session
5. Public comments
6. Staff reports
7. Information/consent items
8. Authority unfinished business
9. New business
10. Closed (Executive) session
11. Recess or adjournment

Section 2. Roll Call: Before proceeding with the business of the Authority, the Secretary-Treasurer shall enter in the minutes the names of all Commissioners present, those absent, and the names of those excused in advance of the meeting, and that a quorum was present.

Section 3. Quorum: The presence of four (4) Commissioners at the meeting constitutes a quorum for the transaction of business. If at the time set for calling the meeting to order there is not a quorum, an effort should be made to obtain a quorum. After 15 minutes from the time set for the meeting if there is not a quorum present, the Chair may adjourn the meeting, or in the absence of the Chair, the Vice-Chair, or the Secretary-Treasurer, or if an officer is not present or any Commissioner who is present. Before adjourning the meeting, at which no quorum is present, those present can reschedule the meeting for a later date.

ARTICLE XIII

MINUTES

Section 1. Minute – Business Meetings:

(a) All actions taken by the Authority shall be fully and accurately recorded in the minutes of the meeting at which such actions took place. When laws or rules are printed separately, they may be identified in the minutes by subject, name and number, instead of being included in full. The final legal responsibility for correcting and approving the minutes rests solely with the members of the Board. The Secretary-Treasurer is required to record every motion made, debated and voted upon, whether it was adopted, or defeated, and if voted upon by roll call

vote, how each Board member voted, e.g. “yes” or “no.” The Secretary-Treasurer is not required to record in the minutes any part of the discussion or statements made in debate by the members of the Board. The record in the minutes should indicate what was done (the act of the Board) and not what was said by each member of the Board. If a Board member wishes his/her remarks or arguments to be kept on file, such remarks should be written out, given to the Secretary-Treasurer who will keep them on file as a permanent record.

(b) The Secretary-Treasurer shall record the name and address of any person addressing the Authority or submitting written comments, the title of the subject matter to which the person’s remarks related and whether the person spoke or commented in support of or in opposition to such matter.

(c) As soon as possible after each Authority meeting, the Secretary-Treasurer shall cause a copy of the minutes thereof to be forwarded to each Commissioner.

(d) Unless the reading of the minutes of an Authority meeting is requested by a Commissioner, such minutes may be approved without reading.

(e) Any Commissioner, upon request, to, and approval of the Board, may have the personal reasons for dissent from, or protest against, any action of the Authority entered in the minutes.

Section 2. Rules of Debate:

(a) The Chair may move or second or debate from the chair, subject only to such limitations of debate as are imposed on all Commissioners. The Chair shall not be deprived of any of the rights or privileges of a Commissioner by reason of acting as Chair.

(b) Every Commissioner desiring to speak shall address the chair and upon recognition by the Chair shall confine any comments to the question under debate. All amendments proposed shall adhere to and be germane to the pending question.

(c) A Commissioner recognized and holding the floor shall not be interrupted while speaking unless by a point of order, or as otherwise provided by the adopted parliamentary rules of debate of the Board. The Chair will rule on the point of order: if valid, the speaker will correct, or will end his debate; if not valid, he will continue. (The nature of the point of order raised will decide the ruling of the Chair).

(d) Whenever any group of persons wishes to address the Authority on the same subject matter, the Chair may request that a spokesperson be chosen by the group to address the Authority. In case additional matters are to be presented at the time by any other member of such group, the Chair may limit the number of persons so addressing the Authority so as to avoid repetitious remarks.

Section 3. Information/Consent Agenda:

(a) The information/consent agenda shall consist of routine business items for which no discussion or special study is contemplated by the Authority. Information/consent agenda items shall be supported by such written reports and information as the Secretary-Treasurer deems necessary to apprise the Authority of the action required and to enable the Authority to make a decision in the best interests of the Authority.

(b) The Secretary-Treasurer shall receive written communications directed to the Authority and if possible, respond to and dispose of the issues raised in such communications administratively. Significant actions of the Secretary-Treasurer in processing such written communications shall be reported the Authority.

(c) Information/consent agenda items shall be approved by a majority vote of the Authority.

(d) An information/consent agenda item may be removed for discussion at the request of a Commissioner. Items which are removed from the information/consent agenda will be considered and acted upon after the Authority acts upon the remainder of the information/consent agenda.

(e) Public comments or information/consent agenda discussion items may be permitted at the discretion of the Authority.

Section 4. Appointment Items: The Secretary-Treasurer mayschedule items for a specific time during the evening session to accommodate individuals and groups who have been requested to make presentations on selected matters. Any action or any appointment item may be deferred to the evening session or continued to another appropriate time by the Authority.

Section 5. Decorum:

(a) While the Authority is in session, Commissioners shall preserve order and decorum, and no Commissioner shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Authority or disturb any other Commissioner or refuse to obey the orders of the Authority or the presiding officer.

(b) Any person making loud, personal, impertinent, profane or slanderous remarks or any person becoming boisterous, while addressing the Authority or attending the meeting, or any person unduly interrupting the proceedings or using language tending to bring the Authority or any Commissioner into contempt or refusing to be quiet or to take seat when ordered to do so shall be barred from the meeting at the discretion of the Chair.

Section 6. Roll Call Vote:

(a) The Authority shall take a roll call vote upon the adoption of all resolutions and upon the passage of orders for the payment of money. Such roll call vote shall be entered in the minutes of the Authority indicating the ayes, nays, and abstentions

(b) Upon request of any Commissioner, a roll call vote shall be taken and recorded on any question.

ARTICLE XIV

PUBLIC MEETINGS

Section 1. Addressing the Authority:

(a) Unless the Chair rules otherwise, any interested person shall have the right to address the Authority. In addressing the Authority at other than Public comments permission shall first be obtained from the Chair.

(b) When addressing the Chair, the person shall state his/her name and address. The Chair, with the concurrence of the Authority, may establish a reasonable time limit for each speaker, group of speakers, or an entire matter under consideration.

(c) All remarks shall be addressed to the Authority as a body and not to any member thereof. No person, other than a Commissioner, and person having the floor, shall

be permitted to enter the ongoing discussion without the express permission of the Chair.

Section 2. Public Comments:

(a) Public comments shall be received by the Authority at all meetings. The Board of Commissioners may schedule public comments at any time at its discretion. Public comments shall be limited to 15 minutes per meeting.

(b) At any time, any person or that person's authorized representative, may address the Authority's business or any matter over which the Authority has jurisdiction, which is not otherwise scheduled on the agenda.

(c) Unless additional time is granted in advance by the Chair, each speaker shall limit public comments to five (5) minutes.

(d) If the speaker expresses a concern or complaint regarding Authority service, the nature of the problem should be briefly stated. Upon Authority's direction, the matter shall be investigated by staff and a report prepared by the Authority for appropriate action.

Section 3. Study Session: The Authority may designate a regular or special meeting as a study session. Such study session shall be open to the public and shall be devoted to the gathering of information preliminary to another regular or special meeting or for the Authority to discuss various problems and programs with the Secretary-Treasurer. The participation of the public in such study sessions shall be at the discretion of the Authority. The Authority shall not act upon any matter discussed at a meeting designated as a study session.

Section 4. Bonding: Commissioners, officers and employees handling funds shall be properly bonded as determined by the Board of Commissioners.

Section 5. Fiscal Year: The fiscal year of the Housing Authority shall be July 1 through June 30.

Section 6. Indemnification of Commissioners, Officers Or Employees: The Housing Authority of the City of Calexico shall be authorized to employ and pay attorneys, accountants, and such other special or expert services as may be required and approved by the Board of Commissioners.

The Authority shall also be authorized to pay the expenses and costs of any legal proceeding or actions of any nature against the Authority, its Commissioners, Officers or employees, when such actions arise out of an act or omission occurring within the scope of their duties in accordance with the Housing Authority of the City of Calexico Bylaws, Policies and applicable laws. Provided that this Section shall not apply if the legal proceedings are criminal in nature.

The Housing Authority of the City of Calexico shall also be authorized in accordance with applicable laws to indemnify any Commissioner, Officer or employee of the Housing Authority of the City of Calexico for any judgement obtained against such person arising out of an act or omission occurring within the scope of his or her duties to the Housing Authority of the City of Calexico, but in no case shall any person be indemnified when there is an adverse final judgement against that person for embezzlement or misappropriation of Authority or federal funds. Provided that no indemnification is authorized if the judgement is in favor of the Authority or is a fine or penalty for violation of state or federal law.

The Housing Authority of the City of Calexico shall be authorized to supply such indemnification by means of policies of liability insurance if the same are available and in the event that such policy or policies are obtained, the insurers thereunder shall provide primary coverage for all costs, expenses and judgements.

ARTICLE XV

PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Housing Authority in all cases to which they are applicable and in which they are not inconsistent with these Bylaws, any special rules of order the Authority may adopt, or State law.

ARTICLE XVI

AMENDMENTS

These Bylaws may be amended or repealed and new Bylaws adopted by a vote of a majority of the Commissioners at any duly held and properly noticed meeting of the Board.

ARTICLE XVII

CERTIFICATE OF SECRETARY

I, the undersigned, do hereby certify:

1. That I am the duly appointed and acting Secretary-Treasurer of the Housing Authority of the City of Calexico.

2. That the foregoing Bylaws, comprising of 20 pages, constitute the bylaws of said Housing Authority as duly restated and adopted by the Board of Commissioners of said Housing Authority at a meeting duly held on February 13, 2003.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13 day of February 13, 2003.

_____
ACTING SECRETARY
BOARD OF COMMISSIONERS

PROCUREMENT POLICY

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STATEMENT OF PROCUREMENT POLICY

Established by the City of Calexico Housing Authority on July 11, 2002. This Statement of Procurement Policy is in accordance with the HUD Handbook 7460.8, "Procurement Handbook for Public Housing Agencies", and the procurement standards of 24 CFR 85.36.

I. GENERAL PROVISION

A. PURPOSE

The purpose of this Statement of Procurement Policy is to: provide for the fair and equitable treatment of all persons or firms involved in purchasing by the PHA; assure that supplies, services, and construction are procured efficiently, effectively, and at the most favorable prices available to the PHA; promote competition in contracting safeguards for maintaining a procurement system of quality and integrity; and assure that PHA purchasing actions are in full compliance with applicable Federal standards, HUD regulations, and State and local laws.

B. APPLICATION

This Statement of Procurement Policy (Statement) applies to all contracts for the procurement of supplies, services, and construction entered into by the PHA after the effective date of this Statement. It shall apply to every expenditure of funds by the PHA for public purchasing, irrespective of the source of funds, including contracts which do not involve an obligation of funds (such as concession contracts); however, nothing in this Statement shall prevent the PHA from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law. The term "procurement," as used in this Statement, includes both contracts and modifications (including change orders) for construction or services, as well as purchase, lease, or rental of supplies and equipment.

C. PUBLIC ACCESS TO PROCUREMENT INFORMATION

Procurement information shall be a matter of public record to the extent provided in the State Freedom of Information Act and shall be available to the public as provided in that statute.

II. PROCUREMENT AUTHORITY AND ADMINISTRATION

A. All procurement transactions shall be administered by the Contracting Officer, who shall be the Executive Director or other individual he or she has authorized in writing. The Executive Director shall issue operational procedures to implement this Statement, which shall be based on HUD Handbook 7460.8. The Executive Director shall also establish a system of sanctions for violations of the ethical standards described in Section IX below, consistent with State law.

B. The Executive Director or his/her designee shall ensure that:

1. Procurement requirements are subject to an annual planning process to assure efficient and economical purchasing;

2. Contracts and modifications are in writing, clearly specifying the desired supplies, services, or construction, and are supported by sufficient documentation regarding the history of the procurement, including as a minimum the method of procurement chosen, the selection of the contract type, the rationale for selecting or rejecting offers, and the basis for the contract price;

3. For procurement other than small purchases, public notice is given of each upcoming procurement at least 10 days [or other time period if required by State or local law] before a solicitation is issued; responses to such notice are honored to the maximum extent practical; a minimum of 15 days [or other time period if required by State or local law] is provided for preparation and submission of bids or proposals; and notice of contract award is made available to the public;

4. Solicitation procedures are conducted in full compliance with Federal standards stated in 24 CFR 85.36, or State and local laws that are more stringent, provided they are consistent with 24 CFR 85.36;

5. An independent cost estimate is prepared before solicitation issuance and is appropriately safeguarded for each procurement above the small purchase limitation, and a cost or price analysis is conducted of the responses received for all procurements;

6. Subject to the applicability of the preference requirements for Section 3 business concerns, in the case of Section 3 covered contracts under 24 CFR 135 as more fully set forth in Section VIII 2e hereof, contract award is made to the responsive and responsible bidder offering the lowest price (for sealed bid contracts) or contract award is made to the offerer whose proposal offers the greatest value to the PHA, considering the price, technical, and other factors as specified in the solicitation (for contracts awarded based on competitive proposals); unsuccessful firms are notified within ten days (or other time period required by State or local law) after contract award;

7. There are sufficient unencumbered funds available to cover the anticipated cost of each procurement before contract award or modification (including change orders), work is inspected before payment, and payment is made promptly for contract work performed and accepted; and

8. The PHA complies with applicable HUD review requirements, as provided in the operational procedures supplementing this Statement.

C. This Statement and any later changes shall be submitted to the Board of Commissioners for approval. The Board appoints and delegates procurement authority to the Executive Director and is responsible for ensuring that any procurement policies adopted are appropriate for the PHA.

III. PROCUREMENT METHODS

A. SELECTION OF METHOD

If it has been decided that the PHA will directly purchase the required items, one of the following procurement methods shall be chosen, based on the nature and anticipated dollar value of the total requirement.

B. SMALL PURCHASE PROCEDURES

1. General. Any contract over $1,000.00, not exceeding $20,000.00 may be in accordance with the small purchase procedures authorized in this section. Contract requirements shall not be artificially divided so as to constitute a small purchase under this section (except as may be reasonably necessary to comply with Section VIII of this Statement).

2. Petty Cash Purchases. Small purchases under $50.00 which can be satisfied by local sources may be processed through the use of a petty cash account. The Contracting Officer shall ensure that: the account is established in an amount sufficient to cover small purchases made during a reasonable period (e.g., one week); security is maintained and only authorized individuals have access to the account; the account is periodically reconciled and replenished by submission of a voucher to the PHA finance officer; and, the account is periodically audited by the finance officer or designee to validate proper use and to verify that the account total equals cash on hand plus the total of accumulated vouchers.

3. Small purchases of $1,000.00 or less. For small purchases below $1,000.00, only one quotation needed be solicited if the price received is considered reasonable. Such purchases must be distributed equitably among qualified sources. If practicable, a quotation shall be solicited from other than the previous source before placing a repeat order.

4. Small purchases over $1,000. For small purchases in excess of $1,000 [or a higher amount up to 10% of the dollar limit in l. above] but not exceeding $20,000 [or a lower dollar limit stated in l. above] no less than three offerors shall be solicited to submit price quotations, which may be obtained orally, by telephone, or in writing, as allowed by State or local laws. Subject to the applicability of the preference requirements for Section 3 business concerns, in the case of Section 3 covered contracts under 24 CFR 135, as more fully set forth in Section VIII 2e hereof, award shall be made to the offeror providing the lowest acceptable quotation, unless justified in writing based on price and other specified factors, such as for architect-engineer contracts. If non-price factors are used, they shall be disclosed to all those solicited. The names, addresses, and/or telephone numbers of the offerors and persons contacted, and the date and amount of each quotation shall be recorded and maintained as a public record (unless otherwise provided in State or local law).

C. SEALED BIDS

1. Conditions for Use. Contracts shall be awarded based on competitive sealed bidding if the following conditions are present: a complete, adequate, and realistic specification or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the work; the procurement lends itself to a firm fixed price contract; and the selection of the successful bidder can be made principally on the basis of price. Sealed bidding is the preferred method for construction procurement. For procurements under the Capial Fund Program (CFP) / Comprehensive Grant Program (CGP), sealed bidding shall be used for all construction and equipment contracts exceeding the small purchase limitation. For professional services contracts, sealed bidding should not be used.

2. Solicitation and Receipt of Bids. An invitation for bids shall be issued including specifications and all contractual terms and conditions applicable to the procurement, including a statement that award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the invitation for bids. In the case of Section 3 covered contracts as defined in Section VIII B hereof, the solicitation shall further state that the award shall be made in accordance with the preference and priority requirements for Section 3 business concerns as specified in Section VIII 2e of this procurement policy. In addition, the solicitation shall include the Section 3 clause set forth in 24 CFR 135.38. The invitation for bids shall state the time and place for both the receipt of bids and the public bid opening. All bids received shall be time-stamped but not opened and shall be stored in a secure place until bid opening. A bidder may withdraw its bid at any time prior to bid opening.

3. Bid Opening and Award. Bids shall be opened publicly and in the presence of at least two witnesses. An abstract of bids shall be recorded and the bids shall be available for public inspection after they are analyzed for compliance with the solicitation. Award shall be made as provided in the invitation for bids by written notice to the successful bidder. In the case of Section 3 covered contracts, the award shall be made in accordance with the preference and priority requirements for Section 3 business concerns as specified in Section VIII 2e hereof. If equal low bids are received from responsible bidders, award shall be made by drawing lots or similar random method, unless otherwise provided in State or local law and stated in the invitation for bids. If only one responsive bid is received from a responsible bidder, award shall not be made unless a cost or price analysis verifies the reasonableness of the price.

4. Mistakes in Bids.

a. Correction or withdrawal of inadvertently erroneous bids may be permitted, where appropriate, before bid opening by written or telegraphic notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only if the bidder can show by clear and convincing evidence that a mistake of nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. A low bidder alleging a nonjudgmental mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document but the intended bid is unclear or the bidder submits convincing evidence that a mistake was made.

b. All decisions to allow correction or withdrawal of bid mistakes shall be supported by a written determination signed by the Contracting Officer. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the PHA or fair competition shall be permitted.

5. Bonds. In addition to the other requirements of this Statement, the following requirements apply:

a. For construction contracts exceeding $100,000, other than those specified in 5b and 5c below, contractors shall be required to submit the following, unless otherwise required by State or local laws or regulations:

(1) a bid guarantee from each bidder equivalent to 5% of the bid price; and

(2) a performance bond for 100% of the contract price; and

(3) a payment bond for 100% of the contract price.

b. In the case of construction of conventional development projects funded pursuant to the U.S. Housing Act of 1937, the contractor shall be required to submit the following, unless otherwise required by State or local laws or regulations:

(1) a bid guarantee from each bidder equivalent to 5% of the bid price;

(2) one of the following:

a performance and payment bond for 100% of the contract price; or

(ii) a 20% cash escrow; or

(iii) a 25% irrevocable letter of credit.

c. In the case of construction under the Capital Fund Program (CFP) and Comprehensive Grant Program (CGP) funded pursuant to the U.S. Housing Act of 1937, for any contract over $25,000, the contractor shall be required to submit the following, unless otherwise required by State or local laws or regulations:

(1) a bid guarantee from each bidder equivalent to 5% of the bid price;

(2) one of the following:

(i) a performance and payment bond for 100% of the contract price; or

(ii) separate performance and payment bonds, each for 50% or more of the contract price; or

(iii) a 20% cash escrow; or

(iv) a 25% irrevocable letter of credit

D. COMPETITIVE PROPOSALS

1. Conditions for Use. Competitive proposals (including turnkey proposals for development) may be used if there is an adequate method of evaluating technical proposals and where the PHA determines that conditions are not appropriate for the use of sealed bids. An adequate number of qualified sources shall be solicited.

2. Solicitation. The request for proposals (RFP) shall clearly identify the relative importance of price and other evaluation factors and subfactors, including the weight given to each technical factor and subfactor. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals. The proposals shall be evaluated only on the criteria stated in the request for proposals. In the case of Section 3 covered contracts the request for proposal shall state that among the evaluating factors shall be the preference and priority for Section 3 business concerns and the acceptability of Section 3 strategy as set for in Section VIII 2e hereof.

3. Negotiations. Unless there is no need for negotiations with any of the offerors, negotiations shall be conducted with offerors who submit proposals determined to have a reasonable chance of being selected for award, based on evaluation against the technical and price factors as specified in the RFP. Such offerors shall be accorded fair and equal treatment with respect to any opportunity for negotiation and revision of proposals. The purpose of negotiations shall be to seek clarification with regard to and advise offerors of the deficiencies in both the technical and price aspects of their proposals so as to assure full understanding of and conformance to the solicitations requirements. No offeror shall be provided information about any other offeror's proposal, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. Offerors shall not be directed to reduce their proposed prices to a specific amount in order to be considered for award. A common deadline shall be established for receipt of proposal revisions based on negotiations.

4. Award. After evaluation of proposal revisions, if any, the contract shall be awarded to the responsible firm whose qualifications, price and other factors considered, are the most advantageous to the PHA. In the case of Section 3 covered contracts a determination of responsibility shall include the submission of an acceptable Section 3 strategy as specified in Section VIII 2e hereof.

5. Architect/Engineer Services. Architect/Engineer services in the excess of the small purchase limitation (or less if required by State or local law) may be obtained by either the competitive proposals method or qualifications-based selection procedures, unless State law mandates the specific method. Sealed bidding, however, shall not be used to obtain architect/engineer services. Under qualifications-based selection procedures, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to the negotiation of fair and reasonable compensation. Price is not used as a selection factor under this method. Qualifications-based selection procedures shall not be used to purchase other types of services even though architect-engineer firms are potential sources.

E. NONCOMPETITIVE PROPOSALS

1. Conditions for use. Procurements shall be conducted competitively to the maximum extent possible. Procurement by noncompetitive proposals may be used only when the award of a contract is not feasible using small purchase procedures, sealed bids, or competitive proposals, and one of the following applies:

   a. The item is available only from a single source, based on a good faith review of available sources;

b. An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to the PHA, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any other procurement methods, and the emergency procurement shall be limited to those supplies, services, or construction necessary to meet the emergency;

c. HUD authorizes the use of noncompetitive proposals; or

d. After solicitation of a number of sources, competition is determined inadequate.

2. Justification. Each procurement based on noncompetitive proposals shall be supported by a written justification for using such procedures. The justification shall be approved in writing by the Contracting Officer.

3. Price reasonableness. The reasonableness of the price for all procurements based on noncompetitive proposals shall be determined by performing a cost analysis, as described in paragraph IIIF below.

F. COST AND PRICE ANALYSIS

1. General. A cost or price analysis shall be performed for all procurement actions, including contract modifications. The method of analysis shall be determined as follows. The degree of analysis shall depend on the facts surrounding each procurement.

2. Submission of Cost Pricing Information. If the procurement is based on noncompetitive proposals, or when only one offer is received, or for other procurements as deemed necessary by the PHA (e.g., when contracting for professional, consulting, or architect/engineer services) the offeror shall be required to submit:

a. a cost breakdown showing projected costs and profit;

b. commercial pricing and sales information, sufficient to enable the PHA to verify the reasonableness of the proposed price as a catalog or market price of a commercial product sold in substantial quantities to the general public; or

c. documentation showing that the offered price is set by law or regulation.

3. Cost Analysis. Cost analysis shall be performed if an offeror/contractor is required to submit a cost breakdown as part of its proposal. When a cost breakdown is submitted: a cost analysis shall be performed of the individual cost elements; the PHA shall have a right to audit the contractor's books and records pertinent to such costs; and profit shall be analyzed separately. Costs shall be allowable only to the extent that they are consistent with applicable Federal cost principles (for commercial firms, Subpart 31.2 of the Federal Acquisition Regulation, 48 CFR Chapter 1). In establishing profit, the PHA shall consider factors such as the complexity and risk of the work involved, the contractor's investment and productivity, the amount of subcontracting the quality of past performance, and industry profit rates in the area for similar work.

4. Price Analysis. A comparison of prices shall be used in all cases other than those described in IIIF3 above.

G. CANCELLATION OF SOLICITATIONS

1. An invitation for bids, request for proposals, or other solicitation may be canceled before offers are due if: the PHA no longer requires the supplies, services or construction; the PHA can no longer reasonably expect to fund the procurement; proposed amendments to the solicitation would be of such magnitude that a new solicitation would be desirable; or similar reasons.

2. A solicitation may be canceled and all bids or proposals that have already been received may be rejected if: the supplies, services, or construction are no longer required; ambiguous or otherwise inadequate specifications were part of the solicitation; the solicitation did not provide for consideration of all factors of significance to the PHA; prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds; there is reason to believe that bids or proposals may not have been independently arrived at in open competition, may have been collusive, or may have been submitted in bad faith; or for good cause of a similar nature when it is in the best interest of the PHA.

3. The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request to any offeror solicited.

4. A notice of cancellation shall be sent to all offerors solicited and, if appropriate, shall explain that they will be given an opportunity to compete on any resolicitation or future procurement of similar items.

5. If all otherwise acceptable bids received in response to an invitation for bids are at unreasonable prices, or only one bid is received and the prices is unreasonable, the PHA shall cancel the solicitation and either:

   a. resolicit using a request for proposal; or

b. complete the procurement by using the competitive proposals methods, following paragraphs IIID3 and IIID4 above (when more than one otherwise acceptable bid has been received), or by using the noncompetitive proposals methods and following paragraph IIIE2 above (when only one bid is received at an unreasonable price); provided, that the Contracting Officer determines in writing that such action is appropriate, all bidders are informed of the PHA's intent to negotiate, and each responsible bidder is given a reasonable opportunity to negotiate.

H. COOPERATIVE PURCHASING

The PHA may enter into State and local intergovernmental agreements to purchase or use common goods and services. The decisions to use an intergovernmental agreement or conduct a direct procurement shall be based on economy and efficiency. If used, the intergovernmental agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. PHA's are encouraged to use Federal or State excess and surplus property instead of purchasing new equipment and property whenever such use is feasible and reduces project costs.

IV. CONTRACTOR QUALIFICATIONS AND DUTIES

A. CONTRACTOR RESPONSIBILITY

Procurements shall be conducted only with responsible contractors, i.e., those who have the technical and financial competence to perform and who have a satisfactory record of integrity. Before awarding a contract, the PHA shall review the proposed contractor's ability to perform the contract successfully, considering factors such as the contractor's integrity (including a review of the List of Parties Excluded from Federal Procurement and Non-procurement Programs published by the U.S. General Services Administration), compliance with public policy, record of past performance (including contacting previous clients of the contractor, such as other PHA's), and financial and technical resources. If a prospective contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared and included in the contract file and the contractor shall be advised of the reasons for the determination.

B. SUSPENSION AND DEBARMENT

Contracts shall not be awarded to debarred, suspended, or ineligible contractors. Contractors may be suspended, debarred, or determined ineligible by HUD in accordance with HUD regulations (24 CFR Part 24) when necessary to protect the PHA in its business dealings.

C. QUALIFIED BIDDERS'S LIST

Interested businesses shall be given an opportunity to be included on qualified bidder's lists. Any prequalified lists of persons, firms, or products which are used in the procurement of supplies and services shall be kept current and shall include enough qualified sources to ensure competition. Firms shall not be precluded from qualifying during the solicitation period. Solicitation mailing list of potential contractors shall include, but not be limited to, such prequalified suppliers.

V. TYPES OF CONTRACTS, CLAUSES, AND CONTRACT ADMINISTRATION

A. CONTRACT TYPES

Any type of contract which is appropriate to the procurement and which will promote the best interest of the PHA may be used, provided that the cost-plus-a-percentage of cost and percentage of construction cost methods are prohibited. All procurements shall include the clauses and provisions necessary to define the rights and responsibilities of the parties. A cost reimbursement contract shall not be used unless it is likely to be less costly or it is impracticable to satisfy the PHA's needs otherwise, and the proposed contractor's accounting system is adequate to allocate costs in accordance with applicable costs principles (for commercial firms, Subpart 31.2 of the Federal Acquisition Regulation (FAR), found in 48 CFR Chapter 1). A time and material contracts may be used only if a written determination is made that no other contract type is suitable, and the contract includes a ceiling price that the contractor proceeds at its own risk.

B. OPTIONS

Options for additional quantities or performance periods may be included in contracts, provided that: (i) the option is contained in the solicitation; (ii) the option is a unilateral right of the PHA; (iii) the contract states a limit on the additional quantities and the overall term of the contract; (iv) the options are evaluated as part of the initial competition; (v) the contract states the period within which the options may be exercised; (vi) the options may be exercised only at the price specified in or reasonably determinable from the contract; and (vii) the options may be exercised only if determined to be more advantageous to the PHA than conducting a new procurement.

C. CONTRACT CLAUSES

In addition to containing a clause identifying the contract type, all contracts shall include any clauses required by Federal statutes, executive orders, and their implementing regulations, as provided in 24 CFR 85.36 (i), such as the following:

1. Termination for convenience,
2. Termination for default,
3. Equal Employment Opportunity,
4. Anti-Kickback Act,
5. Davis-Bacon Act,
6. Contract Work Hours and Safety Standards Act, reporting requirements,
7. Patent rights,
8. Rights in data,
9. Examination of records by Comptroller General, retention of records for three years after closeout.
10. Clean air and water,
11. Energy efficiency standards,
12. Bid protest and contract claims,
13. Value engineering, and
14. Payment of funds to influence certain Federal transactions.

The operational procedures required by section IIA of this statement shall contain the text of all clauses and required certifications (such as required non-collusive affidavits) used by the PHA.

D. CONTRACT ADMINISTRATION

A contract administration system designed to insure that contractors perform in accordance with their contracts shall be maintained.

The operational procedures required by Section IIA above shall contain guidelines for inspection of supplies, services, or construction, as well as monitoring contractor performance, status reporting on construction contracts, and similar matters. For cost reimbursement contracts with commercial firms, costs are allowable only to the extent that they are consistent with the cost principles in FAR Subpart 31.2.

VI. SPECIFICATIONS

A. GENERAL

All specifications shall be drafted so as to promote overall economy for the purposes intended and to encourage competition in satisfying the PHA's needs. Specifications shall be reviewed prior to solicitation to ensure that they are not unduly restrictive or represent unnecessary or duplicative items. Functional or performance specifications are preferred. Detailed product specifications shall be avoided whenever possible. Consideration shall be given to consolidating or breaking out procurements to obtain more economical purchases (but see VIII below). For equipment purchases, a lease versus purchase analysis should be performed to determine the most economical form of procurement.

B. LIMITATIONS

The following specification limitations shall be avoided: geographic restrictions not mandated or encouraged by applicable Federal law (except for architect-engineer contracts, which may include geographic location as a selection factor if adequate competition is available); unnecessary bonding or experience requirements; brand name specifications (unless a written determination is made that only the identified item will satisfy the PHA's needs); brand name or equal specifications (unless they list the minimum essential characteristics and standards to which the item must conform to satisfy its intended use). Nothing in this procurement policy shall preempt any State licensing laws. Specifications shall be scrutinized to ensure that organizational conflicts of interest do not occur (for example, having a consultant perform a study of the PHA's computer needs and then allowing that consultant to compete for the subsequent contract for the computers).

VII. APPEALS AND REMEDIES

A. GENERAL

It is the PHA's policy to resolve all contractual issues informally at the PHA level, without litigation. Disputes shall not be referred to HUD until all administrative remedies have been exhausted at the PHA level. When appropriate, the PHA may consider the use of informal discussions between the parties by individuals who did not participate substantially in the matter in dispute, to help resolve the differences. HUD will only review protests in cases of violations of Federal law or regulations and failure of the PHA to review a complaint or protest.

B. BID PROTESTS

Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Statement. Any protest against a solicitation must be received before the due date for receipt of bids or proposals, and any protest against the award of a contract must be received within ten calendar days after contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to the Contracting Officer or designee, who shall issue a written decision on the matter. The Contracting Officer may, at his or her discretion, suspend the procurement pending resolution of the protest, if warranted by the facts presented.

C. CONTRACT CLAIMS

All claims by a contractor relating to performance of a contract shall be submitted in writing to the Contracting Officer or designee for a written decision. The contractor may request a conference on the claim. The Contracting Officer's decision shall inform the contractor of its appeal rights to [a higher level in the PHA, such as the Executive Director or a designated Board member, or a Procurement Appeals Board.]

VIII. ASSISTANCE TO SMALL AND OTHER BUSINESSES AND IN EMPLOYMENT TO LOW AND VERY LOW INCOME INDIVIDUALS

A. REQUIRED EFFORTS

1. Consistent with Presidential Executive Orders 11625, 12138, and 12432, and Section 3 of the HUD Act of 1968, the PHA shall make efforts to ensure that small and minority-owned businesses, women's business enterprises, labor surplus area businesses, and individuals or firms located in or owned in substantial part by persons residing in the area of a PHA project are used when possible.

   a. With respect to small and minority owned businesses and women's business enterprises, such efforts shall include, but shall not be limited to:

   (1) Including such firms, when qualified, on solicitation mailing lists;

   (2) Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources;

   (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;

   (4) Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;

(5) Using the services and assistance of Small Business Administration, and the Minority Business Development Agency of the Department of Commerce;

(6) Requiring prime contractors, when subcontracting is anticipated, to take the positive steps listed in a(1) through a(5) above;

(7) Whenever applicable, including in contracts a clause requiring contractors, to the greatest extent feasible, to provide opportunities for training and employment for lower income residents of the project area and to award sub-contracts for work in connection with the project to business concerns which are located in, or owned in substantial part by persons residing in the area of the project, as describer in 24 CFR 135.

b. Goals may be established by the PHA periodically for participation by small business, minority owned businesses, women's business enterprises, labor surplus area businesses and business concerns located in, or owned in substantial part by persons residing in the area of the project, in the PHA's prime contract and subcontracting opportunities.

2. Consistent with the express requirements of Section 3 of the HUD Act of 1968 and the regulations embodied in 24 CFR part 135 the PHA shall make its best effort to ensure to the greatest extent feasible that employment and other economic opportunities generated by Section 3 covered financial assistance be directed to low and very low income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economical opportunities to low and very low income persons.

a. Applicability

(1) The requirements set forth above apply irrespective of the amount of the assistance, to procurement arising from the expenditure of public housing assistance from:

(i) development assistance provided pursuant to Section 5 of the U.S. Housing Act of 1937.

(ii) operating assistance provided pursuant to Section 9 of the 1937 Act.

(iii) modernization assistance provided pursuant to

Section 14 of the 1937 Act.

(2) The requirements set forth above apply to procurement from all contractors and subcontractors performing work on Section 3 covered projects arising from the expenditures of housing assistance including Section 8 assistance and community development assistance used for housing rehabilitation, housing construction and other public construction for which the amount of the assistance exceeds $200,000 and the contract or subcontract exceeds $100,000.

b. The PHA shall be responsible for:

(1) The implementing procedures designed to notify Section 3 residents about training and employment opportunities generated by Section 3 covered assistance and Section 3 business concerns about contracting opportunities generated by Section 3 covered assistance.

(2) Notify potential contractors for Section 3 covered projects of the requirements of this part and incorporating the Section 3 clause set forth in 24 CFR 135.38 in all solicitations and contracts.

(3) Assisting and actively cooperating with the Assistant Secretary of HUD in obtaining the compliance of contractors and subcontractors with the requirements of 24 CFR 135 and refraining from entering into any contract with any contractor where the PHA has

notice or knowledge that the contractor has been found in violation thereof.

(4) Documenting actions taken to comply with 24 CFR 135, the results of the actions taken and impediments, if any.

(5) Facilitating the training and employment of Section 3 residents by undertaking to reach the goals of employing Section 3 residents as ten percent (10%) of the aggregate number of new hires for the one year period beginning in fiscal year 1995, twenty percent (20%) of the aggregate number of new hires for the one year period beginning in fiscal year 1996 and thirty percent (30%) of the aggregate number of new hires for the one year period beginning in fiscal year 1997 and continuing thereafter, by undertaking the following activities as appropriate:

(i) Entering into "first source" hiring agreements with organizations representing Section 3 residents.

(ii) Sponsoring a HUD-certified ?Step-Up? employment and training program for Section 3 residents.

(iii) Establishing training programs, which are consistent with the requirements of the Department of Labor, for Public and Indian Housing Department of Labor, for public and indian housing residents and other Section 3 residents in the building trades.

(iv) Advertising the training and employment position by distributing flyers (which identify the positions to be filled, the qualifications required, and where to obtain additional information about the application process) to every occupied dwelling unit in the housing development or developments where category l or category 2 person (as these terms are defined in ? 135.34) reside.

(v) Advertising the training and employment positions by posting flyers (which identify the positions to be filled, the qualifications required, and where to obtain additional information about the application process) in the common areas or other prominent areas of the housing development or developments. Posting, such advertising in the housing development or developments where category 1 or category 2 persons reside.

(vi) Contacting resident councils, resident management corporation, or other resident organizations, where they exist, in the housing development or developments where category l of category 2 persons reside, and community organizations in HUD-assisted neighborhoods, to request the assistance of these

organizations in notifying residents of the training and employment positions to be filled.

(vii) Sponsoring (scheduling, advertising, financing or providing in-king services) a job informational meeting to be conducted by a PHA or contractor representative or representatives at a location in the housing development or developments where category l or category 2 persons reside or in the neighborhood or service area of the Section 3 covered project.

(viii) Arranging assistance in conducting job interviews and completing job applications for residents of the housing development or developments where category 1 or category 2 persons reside and in the neighborhood or service area in which section 3 project is located.

(ix) Arranging for a location in the housing development or developments where category 1 persons reside, or the neighborhood or service area of the project, where job applications may be delivered to and collected by a recipient or contractor representative or representatives.

(x) Conducting job interviews at the housing development and developments category 1 or category 2 persons reside, or at a

location within the neighborhood or service area of the Section 3 covered project.

(xi) Contacting agencies administering HUD Youthbuilding programs, and requesting their assistance in recruiting HUD Youthbuild program participants for the PHA's or contractor's training and employment positions.

(xii) Consulting State and local agencies administering training programs funded through JTPA or JOBS, probation and parole agencies, unemployment compensation programs, community organizations and other officials or organizations to assist with recruiting Section 3 residents for the HA's or contractor's training and employment positions.

(xiii) Advertising the jobs to be filled through the local media, such as community television networks, newspapers of general circulation, and radio advertising.

(xiv) Employing a job coordinator, or contracting with a business concern that is licensed in the field of job placement (preferably one of the Section 3 business concerns identified in part 135), that will undertake, on behalf of the PHA, other recipient or contractor, the efforts to match eligible and qualified Section 3

residents with the training and employment positions that the PHA or contractor intends to fill.

(xv) Employing Section residents directly on either a permanent or a temporary basis to perform work generated by Section 3 assistance. (This type of employment is referred to as "force account labor" in HUD's Indian housing regulations. See 24 CFR 905.102 and ?905.201(a)(6).)

(xvi) Where there are more qualified Section 3 residents than there are positions to be filled, maintaining a file of eligible qualified Section 3 residents for future employment positions.

(xvii) Undertaking job counseling, education and related programs in association with local educational institutions.

(xviii) Undertaking such continued job training efforts as may be necessary to ensure the continued employment of Section 3 residents previously hired for employment opportunities.

(xix) After selection of bidder but prior to execution of contracts incorporating into the contract a negotiated provision for a specific number of public housing or other section 3 residents to be trained or employed on the Section 3 covered assistance.

(xx) Coordinating plans and implementation of economic development (e.g. job training and preparation, business development assistance for residents) with the planning for housing and community development.

(1) Facilitating the award of contracts to Section 3 business concerns by undertaking the following activities as appropriate:

(i) In determining the responsibility of the potential contractors, considering their record of Section 3 compliance as evidenced by past actions and their current plans for the pending contract.

(ii) Contacting business assistance agencies, minority contractors associations and community organizations to inform them of contracting opportunities and requesting their assistance in identifying Section 3 business which may solicit bids or proposals for contracts for work in connection with Section 3 covered assistance.

(iii) Advertising contracting opportunities by posting notices, which provide general information about the work to be contracted and where to obtain additional information in the common areas or other prominent areas of the

housing development or developments owned and managed by the HA.

(iv) Contacting resident council, resident management corporation or other resident organizations, where they exist, and requesting their assistance in identifying category 1 and category 2 business concerns.

(v) Providing written notice to all known Section 3 business concerns of contracting opportunities. This notice should be in sufficient time to allow the Section 3 business concerns to respond to the bid invitations or request for proposals.

(vi) Following up with Section 3 business concerns that have expressed interest in the contracting opportunities by contacting them to provide additional information on the contracting opportunities.

(vii) Coordinating pre-bid meetings at which Section 3 business concerns could be informed of upcoming contracting and subcontracting opportunities.

(viii) Carrying out workshops on contracting procedures and specific contract opportunities in a timely manner so that section 3 business concerns can take advantage of upcoming contracting opportunities, with

such information being made available in languages other than English where appropriate.

(ix) Advising Section 3 business concerns as to where they may seek assistance to overcome limitations such as inability to obtain bonding, lines of credit, financing, or insurance.

(x) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways to facilitate the participation of Section 3 business concerns.

(xi) Where appropriate, breaking out contract work items into economically feasible units to facilitate participation by section 3 business concerns.

(xii) Contacting agencies administering HUD Youthbuild programs, and notifying these agencies of contracting opportunities.

(xiii) Advertising the contracting opportunities through trade association papers and newsletters and through the local media, such as community television networks, newspapers of general circulation and radio advertising.

(xiv) Developing a list of eligible Section 3 business concerns.

(xv) For PHA?s, participating in the ?Contracting with Resident-Owned Businesses" program provided under 24 CFR part 963.

(xvi) Establishing or sponsoring programs designed to assist residents of public or Indian housing in the creation and development of resident-owned businesses.

(xvii) Establishing numerical goals (number of awards and dollar amount of contracts) for award of contracts to Section 3 business concerns.

(xviii) Supporting businesses which provide economic opportunities to low-income persons by linking them to the support services available through the Small Business Administration (SBA), the Department of Commerce and comparable agencies and comparable agencies at the state and local levels.

(xix) Encouraging financial institutions, in carrying out their responsibilities under the Community reinvestment Act, to provide no or low interest loans for providing working capital and other financial business needs.

(xx) Actively supporting joint ventures with Section 3 business concerns.

(xxi) Actively supporting the development or maintenance of business incubators which assist Section 3 business concerns.

c. In order to provide, to the greatest extent feasible, training and employment opportunities generated from expenditures of Section 3 covered assistance to Section 3 residents, the PHA, contractors and subcontractors shall give preference to said residents in the following order of priority.

(1) In public and Indian housing programs as follows to:

(i) Resident of the housing development or developments for which the Section 3 covered assistance is expended (category 1 residents);

(ii) Resident of other housing developments managed by the PHA that is expending Section 3 covered assistance (category 2 residents);

(iii) Participants in HUD Youthbuild programs being carried out in the metropolitan area (or non-metropolitan county) in which the Section 3 covered assistance is being expended (category 3 residents);

(iv) Other Section 3 residents.

(2) In housing and community development programs as follows to:

(i) Section 3 residents residing in the service

area or neighborhood in which the Section 3 project is located (collectively referred to as category 1 residents);

(ii) Participants in HUD Youthbuild programs (category 2 residents);

(iii) Where the Section 3 project is assisted under the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.), homeless persons residing in the service area or neighborhood in which the Section 3 covered project is located shall be given the highest priority.

(iv) Other Section 3 residents.

(3) The PHA may at its own discretion provide preference to residents of the housing development receiving Section 3 covered assistance within the service area where the Section 3 covered project is located.

(4) The PHA may at its own discretion provide priority to recipients of government assistance for housing including recipients of certificates or vouchers under the Section 8 programs within the service area or neighborhood where the Section 3 covered project is located.

(5) A Section 3 resident seeking preference shall certify or submit evidence that he is a Section 3 resident.

(6) Nothing herein shall be construed to require the employment of a Section 3 resident who does not meet the qualifications of the position to be filled.

(7) The PHA and each contractor or subcontractor may demonstrate compliance with these requirements by committing to award to Section 3 business concerns:

(i) At least 10 percent of the total dollar amount of all section 3 covered contracts for building trades work for maintenance, repair, modernization or development of Public or Indian Housing, or for building trades work arising in connection with housing rehabilitation, housing construction and other public construction; and

(ii) At least 3 percent of the total dollar amount of all other Section 3 covered contracts.

d. In order to award Section 3 covered contracts, to the greatest extent feasible to Section 3 business concerns, the PHA, contractors and subcontractors shall give preference to Section 3 business concerns in the following order of priority:

(1) In public and Indian housing programs as follows to:

(i) Business concerns that are 51 percent or more owned by residents of the housing development or developments for which the Section 3 covered assistance is expended, or whose full-time, permanent workforce includes 30 percent of these persons as employees (category 1 businesses);

(ii) Business concerns that are 51 percent or more owned by residents of other

housing developments or developments managed by the PHA that is expending the Section 3 covered assistance, or whose full-time, permanent workforce includes 30 percent of these persons as employees (category 2 businesses; or

(iii) HUD Youthbuild programs being carried out in the metropolitan area (or non-metropolitan county) in which the Section 3 covered assistance is expended (category 3 businesses).

(iv) Business concerns that are 51 percent or more owned by Section 3 residents, or whose permanent, full-time workforce includes no less than 30 percent Section 3 residents (category 4 businesses), or that subcontract in excess of 25 percent of the total amount of subcontracts to business concerns identified in paragraphs (d)(1)(i) and (d)(1)(ii) immediately above.

(2) In housing and community development programs, as follows to:

(i) Section 3 business concerns that provide economic opportunities for section 3 residents in the service area or neighborhood in which the Section 3 covered project is located (category 1 businesses); and

Applicants (as this term is defined in 42 U.S.C. 12899) selected to carry out HUD Youthbuild programs (category 2 businesses;

(iii) Other section 3 business concerns.

(3) A business concern seeking to qualify for a Section 3 contracting preference shall certify or submit evidence, if requested, that the business concerns is a Section 3 business concern as defined in 24 CFR ? 135.5.

(4) A section 3 business concern seeking a contract or a subcontract shall submit evidence to the recipient, contractor, or subcontractor (as applicable), if requested, sufficient to demonstrate to the satisfaction of the party awarding the contract that the business concern is responsible and has the ability to perform successfully under the terms and conditions of the proposed contract. (The ability to perform successfully under the terms and conditions of the proposed contract is required of all contractors and subcontractors subject to the procurement standards of 24 CFR 85.36 (see CFR 85.36(b)(8).) This regulation requires consideration of, among other factors, the potential contractor's record in complying with public policy requirements. Section 3 compliance is a matter properly considered as part of this determination.

e. Section 3 business concerns shall be given contract preference in procurement as follows:

(l) In contracting by small purchase procedures:

(i) Where the contract is to be awarded based upon the lowest price, the contract shall be awarded to the qualified Section 3 business concern with the lowest responsive quotation, if it is reasonable and not more than 10

percent higher than the lowest responsive quotation from any qualified source. If no responsive quotation by a qualified Section 3 business concern is within 10 percent of the lowest quotation from any qualified source the award shall be made to the source with the lowest quotation.

(ii) Where the contract is to be awarded based on factors other than price, a request for quotations shall be issued by developing the particulars of the solicitation, including a rating system for the assignment of points to evaluate the merits of each quotation. The solicitation shall identify all factors to be considered, including price or cost. The rating system shall provide for a range of 15 to 25 percent of the total available rating points to be set aside for the provision of preference for Section 3 business concerns. The purchase order shall be awarded to the responsible firm whose quotation is the most advantageous, considering price and all other factors specified in the rating system.

(2) In contracting by sealed bids, the contract shall be awarded to the qualified Section 3 business concern with the highest priority ranking and with the lowest responsive bid if that bid is within the maximum total contract price established in the contracting party's budget for the specific project for which bids are being taken and the bid is not more than "X" higher than the total bid

price of the lowest responsive bid from any responsible bidder. "X" is determined as follows:

"X" = lesser of:

When the lowest responsive bid is less than $100,00.....10% of that bid or $9,000

When the lowest responsive bid is:

At least $100,00, but less than $200,000.....9% of that bid, or $16,000

At least $200,000, but less than $300,000.....8% of that bid, or $21,000

At least $300,000, but less than $400,000.....7% of that bid, or $24,000

At least $400,000, but less than $500,000.....6% of that bid, or $25,000

At least $500,000, but less than $1 million.....5% of that bid, or $40,000

At least $1 million, but less than $2 million.....4% of that bid, or $60,000

At least $2 million, but less than $4 million.....3% of that bid, or $80,000

At least $4 million, but less than $7 million.....2% of that bid, or $105,000

$7 million or more.....1 1/2% of the lowest responsive bid with no dollar limit.

If no responsive bid by a Section 3 business concern meets the requirements as stated herein above, the contract shall be awarded to the responsible bidder with lowest responsive bid.

(3) In contracting under the competitive proposal method of procurement where the request for Proposals (RFP) identifies all evaluation factors to be used to rate proposals:

(i) One of the evaluation factors shall address both the preference for Section

3 business concerns and the acceptability of the strategy for meeting the greatest extent feasible requirement as disclosed in proposals submitted by all business concerns. This factor shall provide a range of 15 to 25 % of the total number of points to be set aside for the evaluation of these two components.

(ii) The component of this evaluation factor designed to address the preference for Section 3 business concerns must establish a preference for those business concerns in order of priority ranking as described in Section d herein above.

(iii) With respect to the second component mentioned above (acceptability of the Section 3 strategy) the RFP shall require disclosure of the contractor's Section 3 strategy to comply with Section 3 training and employment preference or contracting preference or both if applicable. A determination of the contractor's responsibility will include the submission of an acceptable Section 3 strategy. The contract award shall be made to the responsible firm (either Section 3 or non Section 3 business concern) whose proposal is determined most advantageous considering price and all other factors specified in the RFP.

B. DEFINITIONS

1. A small business is defined as a business which is: independently owned; not dominant in its field of

operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR 121 shall be used, unless the PHA determines that their use is inappropriate.

2. A minority-owned business is defined as a business which is a least 51 percent owned by one or more minority group members; or, in the case of a publicly-owned business, one in which at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to Black americans, Hispanic Americans, Native Americans, Asian Pacific Americans and Asian Indian Americans, and Hasidic Jewish Americans.

3. A women's business enterprise defined as a business that is at least 51 percent owned by a woman or women who are U.S. Citizens and who also control or operate the business.

4. A labor surplus area business is defined as a business which, together with its immediate subcontractors, will incur more than 50 percent of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the U.S. Department of Labor in 20 CFR 654, Subpart A, and in lists of labor surplus areas published by the Employment and training Administration.

5. A Section 3 business concern is defined as a business concern that is (1) 51 percent or more owned by Section 3 residents; or (2) whose permanent, fulltime employees include persons, at least 30 percent of whom are currently Section 3 residents, or within three years of the date of first employment with the business concern were Section 3 residents; or (3) that provides evidence of a commitment to subcontract in excess of 25 percent of

the dollar award of all subcontractors to be awarded to business concerns that meet the qualifications set forth in paragraphs (1) or (2) hereinabove.

6. Section 3 covered assistance is defined as (1) public and Indian Housing Development Assistance provided pursuant to section 5 of the 1937 Act, (2) Public and Indian Housing Operating Assistance provided pursuant to Section 9 of the 1937 Act; (3) Public and Indian Housing Modernization Assistance provided pursuant to Section 14 of the 1937 Act; Assistance provided under any HUD housing or community development program that is expended for work arising in connection with housing rehabilitation (including reduction and abatement of lead-based paint hazards, but excluding routine maintenance, repair or replacement); housing construction, or other public construction.

7. Section 3 covered project is defined as the construction, reconstruction, conversion or rehabilitation of housing, other public construction which includes buildings or improvements assisted with housing or community development assistance.

8. Section 3 covered contract is defined as a contract or subcontract awarded by the PHA or a contractor for work generated by the expenditure of Section 3 covered assistance or in connection with a Section 3 covered project.

9. Section 3 resident is defined as (1) a public housing resident, or (2) an individual who resides in the metropolitan area or nonmetropolitan county in which the Section 3 covered assistance is expended and who is a low income person as defined in Section 3(b)(2) of the 1937 Act or a very low income person as defined in Section 3(b)(2) of the 1937 Act.

IX. ETHICS IN PUBLIC CONTRACTING

A. GENERAL

The PHA shall adhere to the following code of conduct, consistent with applicable State or local law.

B. CONFLICT OF INTEREST

No employee, officer or agent of this PHA shall participate directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:

1. An employee, officer or agent involved in making the award;

2. His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepbrother, stepsister, half brother, or half sister);

3. His/her partner; or,

4. An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

C. GRATUITIES, KICKBACKS, AND USE OF CONFIDENTIAL INFORMATION

PHA officers, employees or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts, and shall not knowingly use confidential information for actual or anticipated personal gain.

D. PROHIBITION AGAINST CONTINGENT FEES

Contractors shall not retain a person to solicit or secure a PHA contract for a commission, percentage, brokerage, or contingent fee, except for bona fide employees or bona fide established commercial selling agencies.

HOUSING AUTHORITY OF THE CITY OF CALEXICO

MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES (MBE/WBE)

The Housing Authority of the City of Calexico has established the following policy and goals regarding Minority Business Enterprises and Women's Business Enterprises by all contractors doing business with the Authority.

I. POLICY

It is the policy of the Housing Authority to utilize Minority Owned Business Enterprises (MBE) and Women Owned Business Enterprises (WBE) whenever possible, in all aspects of contracting related to procurement and construction. This policy is consistent with the mandates of Title VI of the 1964 Civil Rights Act, and Executive Orders 11625 and 12423 and to insure the fullest possible participation by firms owned and controlled by minorities.

II. MBE/WBE UTILIZATION

Prospective contractors and other desiring to do work for or with the Housing Authority are strongly encouraged to establish and adopt goals related to MBE/WBE participation. As a general rule, this goal applies to the total value of any contract awarded, and may be met or obtained by the participation therein of a MBE/WBE as the prime contractor, a joint venturer or partner, subcontracting, material suppliers, or by any combination thereof. Contracts are awarded to the lowest responsible bidder.

III. BIDDER RESPONSIBILITY

Bidders must make reasonable, good faith efforts to comply with MBE/WBE goals and objectives. Good faith efforts include, but are not limited to, the following:

1. Attend pre-bid or pre-proposal meetings scheduled by the Housing Authority to inform MBE/WBE of contracting and subcontracting opportunities.

2. Advertise subcontracting opportunities in general circulation, trade association, and minority-focused media.

3. Notify a reasonable number of specific MBE/WBE's that their interest is being solicited, in ample time to allow for effective participation.

4. Follow up initial solicitation.

5. Reasonably select portions of work to be performed by MBE/WBE.

IV. RESPONSIBILITY OF HOUSING AUTHORITY

In order to increase the likelihood of meeting MBE/WBE goals and objectives, the Housing Authority may, when appropriate:

6. Provide interested MBE/WBE with adequate information about plans, specifications, and requirements of the contract.

7. Assist MBE/WBE with information to obtain bonding, lines of credit, and/or insurance.

8. Utilize minority community organizations, minority contractor groups, local state and federal minority business assistance offices, and other organizations that provide assistance, recruitment and selection of MBE/WBE.

The Housing Authority reserves the right to waive or modify this policy when the proposed contract does not lend itself to sub-contracting, or whenever, in the exercise of its discretion, the Housing Authority determines that adherence to the policy would be futile. Furthermore, the Housing Authority may reasonably rely on a certificate by the lowest responsible bidder as to compliance with this policy.

HOUSING AUTHORITY OF THE CITY OF CALEXICO

AFFIDAVIT REGARDING COMPLIANCE WITH MBE/WBE AND OTHER BUSINESS OUTREACH PROGRAM REQUIREMENTS

EXHIBIT "A"

The undersigned hereby swears or affirms that the following statements are true and correct to the best of his or her knowledge:

That he or she is a representative of the bidder or proposer and is authorized to make these statements.

NOTE: The words bidder, proposed bid, proposal are used interchangeably.

That the bidder made the following efforts in a good faith attempt to comply with the MBE/WBE and Other Business Outreach Program Requirements as indicated by my initials in the places provided:

(1) We obtained participation by MBEs, WBEs and Other Business Enterprises to produce a level of participation by interested sub contractors including ____% MBE and ___% WBE.

Initial

(2) We O attended O did not attend (check one) pre-bid or pre-proposal meetings scheduled by the Authority to inform MBE/WBEs of contracting and subcontracting opportunities.

Initial

(3) We O advertised O did not advertise for bids from interested Business Enterprises not less than fifteen (15) calendar days prior to submission of bids in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals or other media.

_____
Initial

(4) We O posted O did not post notices of subcontracting opportunities at all CHA housing developments not less than 15 days prior to submission of bids.

_____
Initial

We provided written notice of our interest in bidding on the contract and provided invitations for subcontracting bids to business enterprises including MBE/WBEs having an interest in participating in such contracts. All notices of interest and invitations for subcontracting bids were provided not less than fifteen (15) days prior to the date the bids were required to be submitted.

NOTE: In all instances, the bidder must document that invitations for subcontracting bids were sent to available MBE/WBEs and other business enterprises for each item of work to be performed.

O Yes O No

Initial

(6) We can provide documentation of our efforts to follow up initial solicitations of interest by contacting the business enterprises including MBE/WBE's to determine with certainty whether the enterprises were interested in performing specific portions of the contract.

O Yes O No _____
Initial

(7) We gave notice of subcontracting opportunities to available organizations that provide assistance in the recruitment and placement of MBE/WBEs and Other Business Enterprises not less than fifteen (15) days prior to the submission of bids or proposals.

O Yes O No O Not applicable none available

Initial

(8) We provided interested enterprises including MBE/WBEs with information about the plans, specifications and requirements (as applicable) for selected subcontracting work.

O Yes O No O Not applicable (No interested MBE/WBEs)

Initial

We negotiated in good faith with interested MBE/WBEs and Other Business Enterprises and did not unjustifiably reject as unsatisfactory bids prepared by any enterprises.

NOTE: As documentation, the bidders must submit a list of all sub bidders for each item of work solicited including dollar amounts of potential work for MBE/WBEs and other business enterprises.

O Yes O No O Not applicable (No interested MBE/WBEs)

Initial

(10) We documented efforts to advise and assist interested MBE/WBEs and Other Business Enterprises in obtaining bonds, lines of credit or insurance required by the Housing Authority or our firm (as applicable)

O Yes O No O Not applicable (No interested MBE/WBEs)

Initial

We identified specific items of the contract to be performed by subcontractors to provide an opportunity for participation by MBE/WBEs and Other Business Enterprises.

NOTE: The bidder shall, when economically feasible, divide contract requirements into small portions or quantities to permit maximum participation of MBE/WBEs and Other Business Enterprises.

O Yes O No

Initial

If no is checked, specific items were not identified because:

That upon being requested to do so, we will provide evidence of the efforts made as indicated above, within three (3) working days of such request.

I declare under penalty of perjury that the foregoing information
it true and correct.

Company Name

Company Address

Signature

Printed Name and Title

GENERAL PROVISIONS

1 Purpose

The purpose of these policies is to establish the basis for a system of personnel management based on merit principles and to facilitate effective and economical services to the public.

2 Authority

The Housing Authority of the City of Calexico retains the right to exercise customary managerial functions including the right to dismiss, assign, supervise and discipline employees; to determine and change starting time, quitting time, work days and work shifts; to transfer employees within their work unit or into other work units and other classifications; to determine and change the size of and qualifications of the work force; to establish, change and abolish its policies, practices, rules and regulations; to determine and change methods by which its operations are to be carried out; to contract and subcontract; to assign duties to employees in accordance with the needs and requirements determined by the Housing Authority of the City of Calexico, and to carry out all ordinary administrative functions.

3 Applicability

These policies govern personnel administration for all regular full-time and part-time employees of the Housing Authority of the City of Calexico, unless specified otherwise. Exceptions are:

3.1 Unclassified personnel.

3.2 Members of appointive boards, commissions, and committees.

3.3 Persons engaged under contract to supply expert, professional, or technical services.

3.4 Volunteer and temporary personnel.

4 Responsibilities

4.1 Regular employees of the Housing Authority of the City of Calexico may expect that:

4.1.1 They will be fully informed of their duties and responsibilities.

4.1.2 They will be provided with adequate administrative and supervisory direction.

4.1.3 Their work performance will be regularly appraised and they will be encouraged and helped to improve their level of performance.

4.1.4 They will be provided training, as needed, to ensure high quality of performance.

4.1.5 Their eligibility for promotion will be dependent on demonstrated merit and ability.

4.1.6 Their treatment in all aspects of personnel administration will be impartial and without regard to race, religious creed, color, ancestry, sex, age, marital status, pregnancy, childbirth or related medical condition, national origin, cancer-related medical condition, or disability, and with proper regard for their privacy and constitutional rights as citizens.

4.1.7 Mediocrity and incompetence will not be tolerated.

4.2 The Housing Authority of the City of Calexico may expect that its employees will:

4.2.1 Provide faithful and effective performance.

4.2.2 Respect proper protocol and the normal chain of command.

4.2.3 Display proper personal conduct and continuing fitness for the position.

4.2.4 Not abuse the rights, privileges, and benefits provided by employment with the Housing Authority.

4.2.5 Display courtesy and respect to the public.

4.2.6 Observe proper grooming and report for work in neat, clean and appropriate business attire.

5 Scope

The policies, procedures, and rules incorporated herein shall not preclude the development of operating policies, procedures, and rules within specific departments of the Housing Authority nor the development of personnel or administrative policies and procedures governing the implementation of these rules, policies, and procedures. The Housing Authority of the City of Calexico retains the right to modify, supplement, revise, or rescind any provision of this manual without notice, as it deems appropriate in its sole and absolute discretion.

FAIR EMPLOYMENT

11 Equal Employment Opportunity

It is the policy of the Housing Authority of the City of Calexico to employ, retain, promote, terminate, and otherwise treat all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, race, color, ancestry, religious creed, national origin, pregnancy, childbirth or related medical condition, age, marital status, cancer-related medical condition, disabled or disability, so long as bona-fide occupational qualifications are met.

12 Affirmative Action

The Housing Authority of the City of Calexico recognizes that its commitment to equal employment opportunity entails the responsibility to ensure that every reasonable effort is made to obtain a proportional representation of minorities and women among Housing Authority employees by taking affirmative action to increase the representation of minorities and women in the Housing Authority workforce as appropriate. The Housing Authority's Affirmative Action Program is available under separate cover.

13 Policy Against Harassment

The Housing Authority of the City of Calexico is committed to providing a work environment that is free from discrimination. In keeping with this commitment, the Housing Authority maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy applies to all Housing Authority agents and employees, including supervisors and non-supervisory employees. Furthermore, it prohibits harassment in any form, including verbal, physical, and visual harassment.

Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where either: (1) submission to such conduct is made an explicit or implicit term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Employees who violate this policy shall be subject to discipline.

Any employee who believes he or she has been harassed by a co-worker, supervisor, or agent of the Housing Authority should report the facts of the incident promptly to his/her supervisor, or in the alternative, to the Executive Director or his/her designee. Supervisors should immediately report any incidents of harassment to the Executive Director or his/her designee. The Executive Director will ensure that all such claims are promptly investigated and that appropriate disciplinary action is taken.

GENERAL RULES FOR HOUSING AUTHORITY EMPLOYEES

19 Political Activities

The political activities of Housing Authority employees are restricted by certain State and Federal laws. Employees of the Housing Authority shall obey all applicable laws.

Employees are specifically prohibited from engaging in political activities at any time while on duty, while wearing a Housing Authority uniform, or while on Housing Authority premises provided, however, that an employee may participate in public political meetings on Housing Authority property. Housing Authority employees may not use Housing Authority funds or equipment for the purpose of providing support or opposition to a candidate or a ballot measure. Housing Authority employees may not solicit political contributions from other Housing Authority employees nor from persons on eligible lists for Housing Authority jobs, except that they may solicit contributions from employees in connection with ballot issues affecting their wages, hours, and working conditions. Employees may make appeals to the public generally, even though this includes Housing Authority employees.

Nothing stated herein shall be construed as limiting any employee's right to vote, or freedom of reasonable expression or right of association, nor the exercise of any rights protected by the Constitution of the United States of America and the State of California.

20 Gifts and Gratuities

Employees of the Housing Authority of the City of Calexico are expected to provide the public with efficient and courteous service. Since such service is given impartially to all, the acceptance of gifts, money, or gratuities from any person or organization is discouraged.

21 Immigration Reform and Control Act Compliance

The Housing Authority of the City of Calexico is committed to full compliance with the federal immigration laws. These laws require that all individuals pass an employment verification procedure after they are hired. These procedures have been established by law. The law requires that within three days after commencing work, an employee must produce documents providing satisfactory evidence of his/her identity and authority to work in the United States or receipts showing application for acceptable documents. An employee who presents receipts showing application for acceptable documents must present within an additional eighteen days (twenty-one days after hire), documents establishing satisfactory proof of his/her identity and legal authority to work in the United States. An employee who cannot present such documents will be terminated. All new hires must go through this procedure.

22 Outside Employment

A Housing Authority employee shall not engage in any outside employment that is detrimental to, or in conflict with, his/her duties or service within the Housing Authority. Employees shall be subject to appropriate departmental policies and procedures affecting outside employment. The Executive Director and Department Heads shall have the right to promulgate policies and procedures affecting a department's employees with regard to this policy.

Regular employees of the Housing Authority must report outside employment to the appropriate Department Head. The Department Head, in coordination with the Executive Director, shall have the authority to determine if an employment conflict exists. That determination may be appeal by the employee to the Executive Director.

23 Nepotism

Employment of relatives in Housing Authority positions is restricted where (1) an employee would exercise a supervisory or evaluative role in relation to a relative; or (2) an employee is in a position to exert direct influence on the hiring, promotion, transfer, or performance evaluation of a relative; or (3) where potential problems of safety, security or morale exist.

23.1 For purposes of this policy, relatives include an employee's or Board of Commissioners member's parent, child, spouse, brother, sister, in-laws, and step relationships. "Spouse" includes persons who cohabit without benefit of a legal marriage contract.

23.2 If two employees marry or otherwise become related in a capacity specified in 23.1 above, and the potential problems noted above exist, only one of the employees will be permitted to remain in his/her current position. The Housing Authority will work with the employees to explore reasonable accommodations which can be made to eliminate the potential problems. The decision as to which employee will remain in his/her current position must be made by the two employees within 30 calendar days. If no decision has been made during this time, the Housing Authority has discretion to regulate the employment or transfer the relative and will take whatever action is necessary.

24 Smoking Policy

The Housing Authority of the City of Calexico is committed to providing a healthful and safe working environment for employees. In keeping with this commitment, smoking is permitted only in areas designated for that purpose.

25 Safety

25.1 The practice of accident prevention is one of the most important employee responsibilities. Knowing and applying safe working methods are fundamental parts of every job.

25.2 For their own protection, and in the interest of fellow workers and the public served, employees must learn and follow all established safety practices and avoid taking any chances that might result in injury. When in doubt, they should check with their supervisor. Any unsafe or hazardous condition must be reported directly to a supervisor immediately.

26 Reimbursement

26.1 Mileage
Employees who travel in their own vehicles on Housing Authority business are eligible for reimbursement at the rate established by the Housing Authority.

26.2 Other Expenses
Reimbursement for meals, lodging, and incidental expenses will be made to employees on approved travel for the Housing Authority of the City of Calexico.

26.3 Reimbursement ceilings and eligible expenses will be established by the Board of Commissioners upon recommendation by the Executive Director.

PERSONNEL ACTIONS

32 Employment

32.1 All vacancies for regular positions will be filled and recruitment procedures conducted in accordance with good personnel management practices and the principles of merit.

32.2 The Executive Director shall establish uniform procedures and methods for the selection of persons for employment, assignment, promotion, demotion, discharge, and other personnel actions. Evaluations of fitness shall be reasonable and practical in nature, including, but not limited to, one or more of the following:

32.2.1 Written or oral tests.

32.2.2 Performance tests.

32.2.3 Rating of education, training, and experience.

32.2.4 Professional certification.

32.2.5 Physical examination, including screening for drugs and alcohol.

32.2.6 Psychological examination.

32.3 The Executive Director may, however, exercise his/her discretion to implement the evaluation criteria appropriate to meet any particular situation or circumstance and to serve the best interests of the Housing Authority of the City of Calexico.

32.4 Vacancies for part-time or hourly positions may be filled without using the recruitment and selection procedures required for regular full time positions. Determination of the appropriate methods and procedures for filling part-time or hourly vacancies will be made by the Executive Director.

33 Classification Plan

33.1 The purpose of the classification plan is to ensure each position is allocated to the appropriate class.

33.2 All positions in the Housing Authority are grouped into classes. Each class includes those positions sufficiently similar in duties and responsibilities to require similar education, experience, knowledge, skills, abilities, and personal characteristics; and are sufficiently alike to permit use of a single descriptive title, the same qualification requirements and the same test for competence.

33.3 The Executive Director will ensure the preparation and maintenance of class specifications covering all positions, the allocation of positions to the appropriate classification, and the revision of the classification plan when appropriate.

33.4 Re-classification

33.4.1 The Executive Director shall ensure the periodic review of the classification plan.

33.4.2 When the Housing Authority has assigned duties to a position which has caused material changes to duties and responsibilities of that position, the Executive Director shall recommend the allocation of the position to a more appropriate class.

33.4.2.1 Duties voluntarily assumed by an employee will not be cause for reclassification.

33.4.3 Incumbents may or may not be reclassified with their positions, based upon the recommendation of the appropriate Department Head, in coordination with and approval of the Executive Director.

33.4.4 An employee holding a regular position may request a classification review for the purposes of reclassification. Such requests will be reviewed by the Executive Director or his/her designee at a designated time period.

34 Appointments

34.1 Full-time Employees

A regular appointment is one established on a permanent, continuous basis, works minimum (or equivalent to forty (40) hours per week, fifty-two (52) weeks per year, less earned vacation and sick leave benefits and is entitled to all fringe benefits provided by the Housing Authority of the City of Calexico.

34.1.1 Introductory: All appointments made to a vacant regular position, whether initial or promotional, shall be considered introductory for six (6) months.

34.1.1.1 A introductory employee must demonstrate satisfactory performance in order to achieve permanent status.

34.1.1.2 If an employee is granted a leave of absence during a introductory period, the time on leave shall not be considered in determining the fulfillment of required introductory service.

34.1.1.3 An employee on introductory status may be suspended without pay, demoted or dismissed by the Housing Authority at any time, with cause.

34.1.1.4 Service in any type of appointment other than regular shall not constitute service towards fulfillment of the introductory period of a regular appointment.

34.1.1.5 Former employees who are rehired and appointed to regular positions will serve the introductory period appropriate for the position.

34.1.1.6 Employees promoted to a higher position who do not demonstrate satisfactory performance in order to achieve regular status in that position, will have the right to return to the previous position they held before the promotion took place.

34.1.2 Regular: Status achieved after serving the required introductory period in a satisfactory manner.

34.1.2.1 Regular status may not be granted to any employee whose services have not been rated as meeting Housing Authority standards.

34.2 Temporary Employees

A temporary employee is one established to meet staffing requirements of short-term duration such as extra workloads, vacation relief, paid sick leave or other situations requiring short-term fluctuating staff needs.

34.2.1 Temporary Employees will not be entitled to the benefits granted regular regular employees.

34.2.2 Time spent in temporary status shall not be considered as service towards fulfillment of the introductory period of a regular appointment.

34.2.3 Persons in temporary status will be paid an hourly rate established by the Executive Director, which will not exceed the rate established for comparable full-time positions.

34.2.4 Temporary position may be established by the Executive Director when deemed essential to the work program.

34.3 Regular Part-time Employees

A regular part-time employee is an employee who works less than the standard work week. Vacation and sick leave can be used only after the initial six (6) months of service. Prorated benefits will be determined by the average number of hours worked in proportion to full-time positions. Regular part-time employees will be paid for Holidays that fall on regularly scheduled workdays for that employee. Employees who can set their own schedules each week will not be paid for Holidays. Further, all regular part-time employees over 18 years of age working more than 1,040 hours per year must participate in the pension plan. An employee designated as regular part-time shall receive no other fringe benefits except those fringe benefits expressly required by law. All regular part-time employees can participate in the Deferred Compensation program. Also, regular part-time employees have the option of joining the Hospitalization, Long-Term Disability and Life Insurance Plans at the group rates if they meet the Plan requirements and agree to have the full monthly premium deducted from their pay check.

34.4 Emergency Employees:

A temporary part-time employee who is hired at an hourly rate for a period of time not to exceed nine (9) months in any given calendar year to perform a job that is needed to alleviate an emergency situation. An employee hired in this manner is compensated at an hourly rate for the actual number of hours worked and receives no fringe benefits of any kind.

35 Promotions

35.1 Positions may be filled by promotion from within or on an open competitive basis. Determination of the method of selection shall be made by the Executive Director.

35.2 Employees are encouraged to apply for promotional vacancies.

35.3 Final selection of an applicant for any position will be in accordance with established procedures.

36 Demotions

36.1 No employee shall demoted to a position for which he/she does not possess the minimum qualifications.

36.2 Voluntary Demotion

36.2.1 A voluntary demotion may occur following a request by an employee and, upon the recommendation of the appropriate Department Head and upon the recommendation of the appropriate department.

36.3 Voluntary Demotion Due to Lack of Work or Lack of Funds

36.3.1 An employee may be offered a demotion in lieu of layoff for lack of work or lack of funds, provided a position is available.

36.4 Demotion for Reasons other than Lack of Work or Lack of Funds

36.4.1 The Housing Authority may demote an employee for reasons other than lack of work or lack of funds.

36.4.1.1 An employee serving his/her introductory period may be demoted at any time, with or without cause, and without right of appeal.

36.4.1.2 If an employee has gained regular status, a demotion will be enacted in accordance with established procedures, which will include right of appeal.

36.4.1.3 A demoted employee will be placed at the salary step of the appropriate salary range that does not provide an increase in salary. A demoted employee will retain his/her anniversary date for purposes of salary review.

37 Transfers

37.1 Transfers are available to enhance employees' career advancement and growth possibilities. Transfers may either be voluntary (employee-initiated) or involuntary (Housing Authority-initiated) and will be approved when considered to be in the best interests of the Housing Authority.

37.2 A transferred employee shall retain his/her rate of pay and his/her anniversary date for purposes of salary review.

37.3 An employee will not be transferred to a position for which he/she does not possess the minimum qualifications.

37.4 All transfer requests will be reviewed by the Executive Director and all transfers are subject to the approval of the Executive Director.

37.4.1 A transfer request must be approved by the Department Head of the employee's current department. If the transfer involves a change from one department to another, both Department Heads must agree to the transfer unless the Executive Director directs the transfer for purposes of economy and efficiency.

37.5 A transferred employee will be required to satisfactorily complete a new introductory period in the position to which he/she is transferred. Failure to satisfactorily complete the new introductory period will be grounds for dismissal from the new position.

37.6 Voluntary Transfers

To be eligible for a voluntary transfer, an employee must meet the following conditions:

37.6.1 If the minimum qualifications are substantially different from an employee's current or previous classification, the employee requesting the transfer shall be required to demonstrate his/her eligibility for employment in the position under consideration.

37.6.2 An employee must be in good standing, with a performance rating of satisfactory or better. A written warning received in the six-month period preceding the transfer request will constitute unsatisfactory job performance for purposes of this policy.

37.6.3 The employee must possess the minimum qualifications required for the position to which a transfer is sought.

37.6.3.1 If the minimum qualifications are substantially different from an employee's current or previous classification, the employee requesting the transfer shall be required to demonstrate his/her eligibility for employment in the position under consideration.

37.6.4 The employee must have completed a minimum of six months of active service in his/her present job.

38 Separation From Employment

38.1 Employee-initiated

38.1.1 An employee wishing to leave in good understanding will submit a written resignation on the appropriate Housing Authority form to his/her supervisor at least two weeks prior to the effective date of such resignation.

38.1.2 Absence without leave, whether voluntary or involuntary, for three consecutive days, shall be construed as an automatic resignation from employment, effective as of the last date the employee worked.

38.2 Housing Authority-initiated

38.2.1 Housing Authority-initiated terminations of regular permanent employees shall be subject to the disciplinary provisions of these policies.

38.2.2 Employees other than those assigned to regular permanent positions may be terminated at any time.

38.2.3 The Executive Director may terminate the employment of any employee, whether probationary, permanent, temporary, or otherwise, for lack of funds or lack of work, or by reason of termination of the position or termination of the program to which the position is assigned.

38.3 Exit Interviews

It is the policy of the Housing Authority of the City of Calexico to hold an exit interview with departing employees. The purpose of this interview will be to allow employees to communicate their views on their work with the Housing Authority and the job requirements, operations, and training needs. It also provides the employee an opportunity to discuss issues concerning benefits and insurance.

38.4 Return of Housing Authority Property

Employees are expected to return all Housing Authority property in their possession or control on their final day of employment. This includes Housing Authority-furnished uniforms, tools, and equipment.

39 Layoffs

39.1 Order of Layoff

39.1.1 Except as otherwise provided in an applicable Memorandum of Understanding, when a reduction in the work force is necessary, employees shall be laid off in an order based on consideration of:

39.1.1.1 Employment status;
39.1.1.2 Past performance;
38.1.1.3 Seniority.

39.1.2 This procedure shall not apply to a temporary layoff of less than four (4) consecutive weeks.

38.2 Seniority Defined

38.2.1 Seniority will be calculated on time served in present classification plus time served in higher classifications. Length of service in lower classifications will not be considered in seniority calculations for the purpose of layoff.

38.3 Notification of Employees

Written notice giving the date and reason for the layoff shall be given to an employee or sent by registered or certified mail to the last known mailing address at least fourteen (14) calendar days prior to the effective date of the layoff.

38.2.1 When appropriate, the notification provisions of the Worker Adjustment Retraining and Notification (WARN) Act will be applied.

38.4 Status on Re-employment

An employee who has been laid off and re-employed in a regular position within one (1) year from the date of his/her layoff shall receive the following considerations and benefits:

39.1.3 All sick leave credited to the employee's account when laid off shall be restored.

39.1.4 All prior service shall be credited for purpose of determining vacation earning rate and service awards.

39.1.5 The employee shall be placed in the salary range as if he had been on a leave of absence without pay.

39.1.6 The probationary status of the employee shall be as if he had been on a leave of absence without pay except that a six (6) month probation period shall be required if re-employment is in an occupation different than that employed in at the time of layoff.

WORK SCHEDULES

46 Work Week and Working Hours

46.1 Except as otherwise provided, the official work week or all employees shall consist of 40 hours commencing at 12:01 a.m. on Sunday and ending at 12:00 midnight the following Saturday.

46.2 Employees shall be notified of their specific work hours at the time of initial appointment or appointment to a new position within the Housing Authority service.

46.3 Changes in work days, working hours, reporting times, or shifts may be made by the Executive Director or his/her designee whenever it is appropriate in the best interest of the Housing Authority. Schedule changes will be communicated to affected employees as soon as practical and prior to the change in schedule.

47 Exempt/Non-Exempt Status

47.1 Non-exempt employees include all regular full time, part time hourly, or temporary employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act. Employees in this category are entitled to premium pay at the rate of one and one-half times their regular hourly rate for all hours worked in excess of their regular work shift in a workweek in accordance with Section 50.3.

47.2 Exempt employees include all regular full time, part time, or temporary employees whose positions are determined to be exempt from the overtime provisions of the Federal Fair Labor Standards Act. Such employees serve in positions designated as exempt executive, administrative, or professional positions.

47.3 If it is determined by the Executive Director to be in the best interests of the Housing Authority, non-exempt employees may be compensated for overtime work by granting compensatory time off (CTO) at the rate of one and one-half hours earned for each overtime hour worked.

47.4 Exempt employees will not be eligible for overtime pay or compensatory time off (CTO).

47.5 Employees will be notified of the exempt or non-exempt status of the positions to which they are appointed at the time of appointment.

48 Time Cards

48.1 All non-exempt employees are required to complete a time card to record daily time worked during each pay period. Each time card is to be completed to provide an accurate record of hours worked, meal periods, overtime, absences and vacations.

48.1.1 Employees should record the time they begin and end work each day, the beginning and end of each meal period, and the beginning and end of any split shift.

48.2 No employee may complete a time card for another employee. Such an offense may result in disciplinary action, up to and including dismissal.

49 Rest Periods

49.1 Each nonexempt employee is provided a ten (10) minute rest period during each four (4) hours of work.

49.2 Rest periods are scheduled by each employee's supervisor to ensure that the employee's position and duties will be covered during periods of rest.

49.2.1 Rest periods may not be combined or added to an employee's lunch break.

49.2.2 Rest periods are to be scheduled approximately in the middle of each four (4) hour shift and may not be taken within one (1) hour of the beginning or ending of the four (4) hour shift.

49.3 Employees may not leave work premises during a paid rest period without special permission from the appropriate supervisor. Employees are free to leave work premises during an unpaid meal period.

49.4 Since rest periods are intended to provide employees with an opportunity for rest and relaxation, they should be taken away from the employee's work area. Employees are not permitted to perform any duties during such periods.

50 Overtime

50.1 Employees are expected to work reasonable amounts of overtime according to the Housing Authority's needs.

50.2 All overtime work by a non-exempt employee must be approved in advance by the employee's supervisor.

50.3 All non-exempt employees not assigned to a regular shift of more than 40 hours per week will be compensated for overtime work in accordance with the Fair Labor Standards Act for all hours worked in excess of 40 hours in each work week.

50.3.1 For purposes of this section, hours worked includes holidays and vacation time. It does not include hours away from work due to sickness even when these hours are in paid status. Unpaid sick leave, personal leave, or any other time away from work is also not considered hours worked.

50.4 The Housing Authority may compensate eligible employees for overtime work with Compensatory Time Off (CTO). CTO may be accumulated to a maximum of 240 hours, representing 160 hours of overtime worked.

50.5 CTO that has been earned but not taken will be paid to the employee upon termination of employment.

50.6 The Housing Authority may require an employee to schedule time off in order to use accrued CTO. Time off will be scheduled at the Housing Authority's discretion with due regard for the employee's convenience and the Housing Authority's work requirements.

51 Attendance and Punctuality

51.1 Punctual and consistent attendance is a condition of employment. It is the employee's responsibility to be at work as scheduled, to arrange his/her personal schedule to meet established working hours, and to notify his/her supervisor as early as possible if he/she expects to be absent or tardy.

51.2 An employee is expected to be at his/her work station, ready to begin work, at the beginning of his/her assigned shift.

51.3 An employee who is absent for three consecutive days without permission and without notification to his/her supervisor will be considered to have voluntarily terminated from employment with the Housing Authority.

51.4 If it becomes necessary for an employee to leave his/her work location or work premises during working hours, he/she must obtain permission to leave from his/her supervisor prior to leaving. Leaving the work location or premises without permission may be cause for disciplinary action.

EMPLOYEE DEVELOPMENT

57 Training and Orientation

57.1 Orientation

A new employee will be scheduled for an orientation program in order to receive an introduction to Housing Authority employment, including its history, its operations, its personnel policies, and a review of employee benefits. During this period, employees are also asked to complete new-hire paper work. In addition, employees will receive orientation to their Department and Division procedures.

57.2 Training

57.2.1 It is the policy of the Housing Authority to encourage and promote training and education opportunities for all Housing Authority employees to the end that the services they render to the Housing Authority may be made more effective. The Executive Director and Department Heads shall establish such procedures as they deem appropriate to assist in the implementation of this policy.

57.2.2 Introductory employees will receive instruction in the policies, procedures, and equipment use necessary to perform their job effectively.

57.2.3 Training periods may be conducted either during or after normal working hours. Training sessions conducted during normal working hours shall be arranged so as to minimize interference with scheduled work.

57.2.3.1 Non-exempt employees who are required by the Housing Authority to attend in-service or out-service training programs which are scheduled outside the normal working hours will be compensated for the hours of attendance at the program at the appropriate hourly rate. Employees will not be compensated for attendance at elective out-service training programs which are scheduled outside normal working hours.

57.2.4 The following categories of training are recognized for the employees of the Housing Authority of the City of Calexico:

57.2.4.1 In-Service Training

Any formal employee training or development program that is sponsored by the Housing Authority. Such programs are designed and conducted to meet job related needs of Housing Authority employees.

57.2.4.2 Out-Service Training

Any formal employee training or development program that is sponsored and conducted by any agency or organization other than the Housing Authority. Conferences and seminars that are conducted primarily for training and educational development purposes are considered out-service training.

57.2.4.2.1 Job Related

Out-Service Training Job-related out-service training is directly related to improving the employee's performance of present duties and is required by the Housing Authority.

57.2.4.2.2 Elective Out-Service

Training Elective out-service training is taken at the discretion of the employee to improve the employee's eligibility for career advancement or for personal growth. It is not required by the Housing Authority but is intended for the direct future benefit of the Housing Authority.

57.2.5 Payment of Training Expenses

57.2.5.1 Approval of Department Head

No job-related out-service training may be taken, nor will any expenses be paid for out-service training, without the prior approval of the Department Head and the Executive Director.

57.2.5.2 Job-Related Out-Service Training

The employee shall receive his/her regular salary when attending job related out-service training during his/her regular work shift and may be reimbursed for tuition, travel, meals, and lodging at established rates set by the Board of Commissioners, when such training is required by the Housing Authority.

57.2.5.3 Elective Out-Service Training

When an employee desires to participate in elective, career-oriented, out-service training, the Department Head may, within budgetary limits and in accordance with Housing Authority policies and the appropriate Memorandum of Understanding, authorize the payment of regular salary and reimbursement for tuition, travel, meals, and lodging.

57.2.5.4 Uncompleted Assignment

An employee who does not satisfactorily complete an out-service training assignment according to standards determined by the Department Head is not eligible for reimbursement of tuition and other necessary expenses and shall return any advance payment

received.

An employee who does not complete approved job-related training may also be subject to disciplinary action as provided in these policies.

58 Educational Reimbursement

58.1 The Housing Authority encourages its employees to continue job-related training and education. Regular full-time employees are eligible for reimbursement for tuition, books, and related fees for completion of approved post-high school education provided that:

58.1.1 The course is given by an accredited college or vocational school

58.1.2 The employee has received advance written approval for reimbursement from his/her Department Head and the Executive Director

58.1.3 The employee passes the course with a grade of "C" or better.

58.2 In accordance with IRS Code Section 127, reimbursement for post-graduate college education will be considered taxable income to the employee.

58.3 Reimbursement for expenses may not exceed the amount allowed per employee as established by the Housing Authority in coordination with the appropriate bargaining representative.

59 Performance Reviews

59.1 The system of performance reviews will be established by the Executive Director.

59.1.1 The system will establish standards of performance and will be used to measure an employee's work performance.

59.1.2 Performance reviews shall be considered in personnel actions such as promotions, salary increases, gaining permanent status, demotion, suspension, dismissal, and other disciplinary actions.

59.2 Formal performance reviews shall be held at regular intervals and shall be in a format designated by the Housing Authority. A copy of the review will be provided the employee and one copy shall be placed in the employee's personnel file.

59.3 Regular full-time and part-time employees shall be formally reviewed annually on the employee's anniversary date.

59.4 Nothing in this section shall preclude the Housing Authority from holding a performance review at more frequent intervals than that regularly established.

59.5 The performance review is not subject to the grievance procedure. An employee who disagrees with his/her review may file a written statement of his/her objections, and the reasons therefore, which will be attached to the review and placed in the employee's personnel file.

PERSONNEL RECORDS

64 Personnel Records

64.1 Official Records
The Executive Director is the custodian of all official personnel records necessary to complete personnel transactions and to serve as reference for Housing Authority Officials. The Executive Director shall maintain records showing administrative actions including records of employment history of each employee, performance evaluation records, and related files and correspondence.

64.2 In accordance with the provisions of the Fair Labor Standards Act, the Executive Director shall prepare, maintain, and preserve records on the wages, hours, and other conditions and practices of employment of all Housing Authority employees.

64.3 The Executive Director and each Department Head shall be jointly responsible for maintaining all other records related to Housing Authority payroll and Housing Authority employees required by the various Federal and State regulations.

64.4 All records maintained pursuant to this policy shall be preserved for a minimum of three years.

65 Privacy of Personnel Records

65.1 The Executive Director shall maintain a file that will contain all official records and documents pertinent to the employment status and history of each employee.

65.2 The confidential information contained in an employee's personnel files will not be revealed to outside sources except as required by law, or with the consent of the employee.

65.2.1 The information listed below is a matter of public record and available to anyone. The Executive Director has the authority to release such information regarding an employee or ex-employee in response to outside inquiries:

65.2.1.1 Employee's name

65.2.1.2 Classification title and department

65.2.1.3 Status (e.g., regular, temporary, full-time,part-time)

65.2.1.4 Salary range and actual rate

65.2.1.5 Hire date and/or termination date.

65.2.2 Letters of recommendation or reference generally will not be given to employees upon separation of service. The Housing Authority will respond to written requests for information concerning an individual's work performance with the written consent of the employee or former employee.

65.3 An employee, his/her immediate supervisor and/or Department Head, or his/her representative with written consent of the employee, may inspect his/her personnel file in the Personnel Office at any time during the normal working hours of the Executive Director's office. Upon request, the employee shall receive a copy of any materials in the personnel file provided that the cost for such copies is paid by the employee.

65.3.1 Employees may request a review of their personnel records no more than once annually unless they are in the process of appealing a personnel action taken by the Housing Authority.

65.3.2 Requests for review of personnel records must be made in writing by the employee at least one working day in advance of the requested review date.

65.4 An employee shall be furnished a copy of any statement written for inclusion in the employee's personnel file concerning the employee's conduct or performance. An employee shall have a right to have a response or rebuttal to any statement or evaluation inserted in his/her personnel file.

COMPENSATION AND BENEFITS

70 Compensation Plan

The purpose of the compensation plan is to provide equitable and adequate compensation for all employees.

70.1 The compensation plan includes, for each classification, a minimum and maximum salary rate and such intermediate rates as are considered necessary, as well as supplemental retirement, insurance, and related fringe benefit provisions. Flat rates may be used instead of salary ranges where appropriate. The rate or pay range assigned to each class shall reflect fairly the differences in the duties and responsibilities among classes, and will take into account rates paid by other public employers for comparable work, the Housing Authority's compensation policies and financial condition, unusual problems of recruitment and turnover, and other relevant factors. Each job class shall be assigned a salary range or flat rate by the Board of Commissioners upon recommendation of the Executive Director.

70.2 Each salary range (except those established as a flat rate) will be divided into five (5) salary level steps, which shall be interpreted and applied as follows:

70.2.1 First Step. The first step salary level will be the minimum rate and shall be the hiring rate. In special cases, when it is merited by experience, education, training or other qualification, the Housing Authority may approve the hiring of a candidate for employment at a higher level.

70.2.2 Second Step. The second step salary level may be granted to an employee after completion of thirteen (13) pay periods of service during the probationary period. This second step must be granted prior to, or at the time of, satisfactory completion of the original probationary period.

70.2.3 Third Step. The third step salary level may be granted to an employee who has completed an additional twenty-six (26) pay periods of service from the granting of the previous salary step increase, and who meets the job performance standards required for his/her classification.

70.2.4 Fourth Step. The fourth step salary level may be granted to an employee who has completed an additional twenty-six (26) pay periods of service from the granting of the previous salary step increase, and who meets the job performance standards required for his/her classification.

70.2.5 Fifth Step. The fifth step salary level may be granted to an employee who has completed twenty-six (26) additional pay periods of service from the granting of the previous salary step increase, and who meets the job performance standards required for his/her classification.

70.3 Salary Plan Administration

70.3.1 Employees shall be compensated on a biweekly basis providing for twenty-six (26) pay periods in a calendar year.

70.3.2 An employee will not receive compensation of any type while on leave of absence without pay or while absent from duty without official leave.

70.3.3 The Housing Authority may accelerate salary step advancement for individual employees at its discretion.

70.3.4 If the salary range for a particular job classification is either increased or decreased, all employees within that classification shall be placed on the nearest step in the new salary range that is of equal dollar value or, if no step in the new range is of equal dollar value, the next higher step than the step to which he/she is assigned to in the old salary range.

70.4 Salary Review Date

70.4.1 The Salary Review Date shall be the date on which an employee is to receive a performance evaluation in accordance with the salary step plan and/or the introductory period. Any change in an employee's job classification, except by virtue of a reclassification, shall be considered as an appointment which establishes a new Salary Review Date.

70.4.2 A leave of absence for any purpose other than military leave will change the date an employee is eligible for consideration for an initial or any subsequent step increase. A disciplinary suspension will likewise change the step increase review date. For either case, the date will be equivalently extended, on a day-for-day basis, to reflect the leave or suspension.

70.5 Working Out of Class (Acting Appointments)
The Housing Authority may, at its discretion, appoint an employee to an acting capacity in a job classification different from that currently held by the employee.

70.5.1 An employee who is temporarily assigned to a position in a higher classification for a period of more than five (5) consecutive working days shall be paid at the lowest rate within the range for the higher level class that provides at least a 5% increase but that does not exceed the top of the range for the higher class.

70.5.2 Salary differentials for acting appointments for all other Housing Authority employees may be granted at the Housing Authority's discretion.

70.5.3 The maximum length of an acting appointment is dependent on the provisions of the Memorandum of Understanding negotiated by recognized employee representatives.

70.6 Entrance Salary

An employee is appointed at the minimum rate for the class, except when the Executive Director determines it is necessary to make an appointment above the minimum rate (see Section 70.2.1 above).

70.7 Promotional Increases

The salary of a promoted employee shall be set at the higher of the rate established as the entrance salary of the position or an amount that will constitute a salary increase equivalent to one (1) salary step in the employee's pre-promotional classification, except where the increase would place the employee above the top of the appropriate salary range. In that case, the employee will be placed at the top of the range for the new class.

70.8 Salary upon Reclassification

An employee who is reclassified due to a material change in job duties and responsibilities, in accordance with Section 33.4, shall be placed on the step in the new salary range which is equal to or next higher than the employee's current salary. If the increase would place the employee above the top of the appropriate salary range, the employee will be placed at the top of the new salary range.

70.9 Salary on Reduction in Class

70.9.1 Demotion for Disciplinary Purposes

70.9.1.1 An employee demoted for disciplinary reasons shall be placed at any step in the lower class that is equivalent to a decrease of at least one (1) salary step in the pre-demotional classification.

70.9.1.2 An employee demoted for disciplinary reasons shall not receive a salary that exceeds the maximum salary step for the new classification.

70.9.1.3 A new step increase eligibility date will be established, which shall be on the first day of the pay period following the completion of 26 pay periods, subject to the extensions specified in 70.4.2 above.

70.9.2 Demotion Due to Reasons Other than Disciplinary

70.9.2.1 An employee in good standing may be demoted to a position in a lower class for reasons including, but not limited to, medical disability, lack of work, or lack of funds.

70.9.2.2 If such a demotion occurs, a regular non-probationary employee will be placed at the highest place in the new range that does not exceed his/her rate of pay immediately prior to the demotion and shall retain his/her step increase eligibility date.

70.9.2.3 An introductory employee in good standing who is demoted to a class not previously occupied by him/her will receive the entrance salary of the lower class and his/her step increase eligibility date will be established by the Executive Director.

70.9.2.4 A promotional introductory employee who is demoted to a class he/she formerly occupied in good standing shall be reinstated to the place on the salary range, the step increase eligibility date, and introductory or regular status he/she would have achieved if he/she had remained in the lower class.

70.10 Y-Rating

The Housing Authority may, at its discretion, Y-rate any employee in the Housing Authority service. Such action shall not take effect until any employee has had sixty (60) calendar days advance notice. Upon request, the Housing Authority shall meet with the employee and/or the employee's representative concerning the impact of the Housing Authority's decision to apply a Y-rate.

70.10.1 Y-rating shall mean the salary range for the affected employee shall remain the same until the employee's salary range equals or exceeds the Y-rating level.

70.11 On-Call (Standby) Pay

70.11.1 On-Call or Standby duty may be assigned by the Department Head or his/her designee with the approval of the Executive Director.

70.11.2 On-Call duty requires the employee so assigned to:

70.11.2.1 Be ready to respond immediately to calls for his/her service;

70.11.2.2 Be reachable by telephone;

70.11.2.3 Remain within a specified distance from his/her work station; and

70.11.2.4 Refrain from activities that might impair his/her ability to perform his/her assigned duties.

70.11.3 The employee will be compensated as provided in the appropriate Memorandum of Understanding.

70.12 Payroll Deductions

70.12.1 The Housing Authority will deduct from an employee's pay the applicable state and federal income taxes and other deductions required by law. The Housing Authority may provide opportunities for voluntary payroll deductions which may be made from an employee's paycheck with the

employee's written permission.

70.12.2 Each employee is required to complete a withholding exemption certificate at the time of hire. Any material change in the information reported on this certificate, such as change in marital status, must be reported to the Housing Authority immediately.

71 Health and Welfare Plans

71.1 The Housing Authority will maintain group health and welfare plans for all eligible employees.

71.1.1 Eligible employees include all regular full time employees and all employees serving in positions designated as "unclassified positions."

71.2 Employees may be asked to share in the cost of such plans.

71.3 The Housing Authority reserves the right to change carriers, modify covered benefits, or make any other changes to group insurance plans as necessary to serve the best interests of the Housing Authority, subject to the Meet and Confer provisions of Government Code 3500.

71.4 COBRA Rights

71.4.1 Employees will be notified of their rights to retain coverage in the Housing Authority's plans at their own cost when eligibility for participation in Housing Authority plans ceases.

72 Holidays

72.1 Housing Authority Offices will be closed in recognition of certain holidays each year, as may be required by law, specified by the Housing Authority, or pursuant to a binding MOU with employee organizations.

72.2 The Housing Authority will recognize as a holiday any day appointed by the President or the Governor as a public holiday.

72.3 When holiday falls on Sunday, the following Monday shall be observed, and when a holiday falls on Saturday, the preceding Friday shall be observed.

73 Vacation

73.1 All full time employees shall earn annual vacation leave at a rate agreed upon with the appropriate recognized employee association and specified in the Memorandum of Understanding for their classification.

73.2 Vacation benefits are not earned during any period of an unpaid leave of absence, or for any time worked beyond the employee's regular shift assignment in a pay period.

73.3 Eligible employees will accrue vacation from date of hire but may not take accrued vacation until the completion of six consecutive months of employment.

73.3.1 Vacation benefits can be used at any time after the completion of six consecutive months of employment with advance written approval of employee's supervisor. The approval of vacation schedules will be arranged considering both the desire of the employee and the department workload. The Housing Authority will try to accommodate each employee's choice, but the Housing Authority must reserve the right to schedule vacations in such a way as to meet its operational needs.

73.4 Employees are encouraged to use all earned vacation each year. Unused vacation benefits may be carried forward from one year to the next to a maximum amount specified in the appropriate Memorandum of Understanding.

73.5 Employees who terminate employment with the Housing Authority, either voluntarily or involuntarily, will be paid for all accrued but unused vacation, prorated on an hourly basis, on their final day of employment.

73.6 Housing Authority employees shall not be permitted to work for compensation for the Housing Authority in any capacity during any paid vacation except during emergencies as determined by the Executive Director.

74 Sick Leave

74.1 Regular full-time employees, both probationary and permanent, are eligible to earn paid sick leave from date of appointment into a regular position; however sick leave cannot be used until the completion of six full calendar months of employment. All employees shall be entitled to accumulate sick leave at the accumulation rate of one (1) working day per calendar month of employment.

74.2 Sick leave is defined as leave from duty which may be granted by the Housing Authority to an employee because of illness, injury, exposure to contagious disease, illness or injury requiring the employee's attendance on a member of the employee's immediate family, and medical, dental and optical appointments to the extent that such appointments are scheduled to create the least disruption in the work day.

74.2.1 For purposes of this section, an employee's immediate family shall consist of the employee's spouse or children; the employee's or spouse's mother, father, brother, sister, grandchildren or grandparents or other members of the employee's family residing the employee's home; or other members of the employee's family primarily dependent upon the employee.

74.3 Sick leave benefits will not be earned or granted during any Housing Authority-authorized unpaid leave of absence; during an absence from duty not authorized by the Housing Authority; or after separation from Housing Authority service.

74.4 Sick leave may not be used to extend an employee's vacation.

74.5 Any employee who is absent from work must report his/her absence to his/her immediate supervisor before or within one hour after the scheduled work time each day of absence. In the case of prolonged periods of absence due to serious illness, employees may arrange, at the discretion of their immediate supervisor, to report less frequently.

74.6 The Housing Authority reserves the right to require a satisfactory statement of a licensed physician whenever an employee misses work due to an illness, injury or disability. The employee may be asked to provide a physician's statement that verifies the nature of an illness, injury or disability, its beginning and ending dates, and/or the employee's ability to return to work without endangering his/her safety or the safety of others.

74.6.1 Normally, a statement will not be requested for absences of three days or less, but the Housing Authority may request such a statement in situations where it deems it is warranted.

74.6.2 Such verifications and releases, when requested, may be a condition of receiving sick leave benefits or returning to work.

75 Bereavement Leave

75.1 Employees may be granted leave with pay when a death occurs in the employee's immediate family or household.

75.2 This leave is ordinarily to a maximum amount of three (3) consecutive days. However, where circumstances warrant, the Department Head may authorize a longer period of leave with pay, not to exceed five (5) working days subject to the approval of the Executive Director.

75.3 Leave with pay for a funeral for other than an immediate family and/or household member may be approved at the discretion of the Executive Director. The type of leave (sick leave or administrative leave) and the amount of leave authorized will be decided by the Executive Director.

75.4 Employees who take time off for a funeral in a situation not covered above shall be considered on a leave of absence without pay unless the employee elects to take vacation time.

LEAVES OF ABSENCE

82 General Policy

82.1 It is the Housing Authority's policy to grant leaves of absence to all eligible employees on a non-discriminatory basis. Leaves of absence will be considered in cases of medical disabilities, for cases of personal emergency, for educational purposes, or for military duty, jury duty, or witness duty. Unless specifically provided otherwise, all leaves of absence are available only on an unpaid basis.

82.2 All regular full-time and part-time employees may request for a leave of absence once they have completed their probationary period. In addition, such employees are eligible for a leave of absence before completing their probationary period where required by state or federal law. For example, unpaid leaves of absence may be granted to probationary employees for work-related disabilities, pregnancy-related disability, or military duty. If an employee is out for an extended period during his/her probationary period, the probationary period will be extended by the exact number of days that he/she is out.

82.3 Subject to any applicable legal restrictions, requests for leaves of absence will be considered on the basis of the employee's length of service, performance, responsibility level, the reason for the request, and the Housing Authority's ability to obtain a satisfactory replacement during the time the employee would be away from work. If an employee accepts other employment or fails to return to work on the next regularly scheduled work day following the expiration of his/her leave, it will be considered that the employee has voluntarily terminated his/her employment.

82.4 Returning from Leave of Absence

82.4.1 When an employee is placed on a leave of absence, an effort will be made to hold his/her position open for the period of the approved leave. However, due to business needs, there will be times when positions cannot be held open and it is not possible to guarantee reinstatement.

82.4.2 If an employee's former position is unavailable when he/she is ready to return from an approved leave, every effort will be made to place the employee in a comparable position for which he/she is qualified. If such a position is not available, the employee will be offered the next suitable position for which he/she is qualified that becomes available. In addition, the Housing Authority will attempt to reasonably accommodate employees who are released for partial or modified duty.

82.4.3 An employee who does not accept the position offered will be considered to have voluntarily terminated his/her employment, effective the day of such refusal is made.

82.5 Group Insurance Benefits During Unpaid Leaves

82.5.1 Employees on unpaid leaves scheduled to extend beyond the calendar month in which the leave begins will be eligible to continue coverage in the Housing Authority's group insurance plans at their own cost through their rights to continued coverage under COBRA. The procedures for continuing coverage will be fully explained at the time the leave is granted.

82.5.2 Unless otherwise stated in these policies, group insurance coverage will not be interrupted for a leave of absence scheduled for 30 days or less and which begins and ends in the same calendar month.

83 Medical Leaves of Absence (Including Maternity)

83.1 Requests for Medical Leaves of Absence (not including Maternity)
A request for a medical leave of absence may be submitted by any employee who is temporarily disabled and unable to work due to a personal injury or illness. Medical leaves of absence may be granted in writing for the period of the illness or disability, provided such period shall not exceed 12 (twelve) months.

83.2 Requests for Maternity Leave
A request for a maternity leave of absence may be submitted by any employee who is temporarily disabled and unable to work due to a pregnancy-related disability. Maternity leaves of absence will be granted in writing for the period of the disability, provided such period shall not exceed four months. Maternity leaves may be extended beyond four months with the written approval of the Department Head, and the Executive Director.

83.3 Return to Work
Before returning to work following any medical leave of absence, an employee must submit a physician's verification stating the employee's ability to return to work and the date that he/she is able to return.

83.4 Accrual of Seniority and Benefits
Employees will not accrue benefits, e.g., vacation, sick time, holidays, etc., during an approved leave of absence. Once an initial probationary period is completed, employees returning from an approved leave of absence are not required to complete a second probationary period. Employees returning from a leave of absence will be reinstated without loss of seniority earned prior to the commencement of their leave.

83.5 Coordination of Benefits
All leaves of absence will be coordinated with sick leave, short-term and long-term disability, and other benefits in an effort to minimize the impact of a leave of absence for both the employee and the Housing Authority. Accrued vacation and sick leave benefits shall be paid during a leave of absence, but such pay shall be coordinated with any wage replacement benefits for which the employee may be eligible.

83.6 Notification Requirements
It is the employee's responsibility to provide his/her immediate supervisor and the Executive Director all the following information in writing as soon as he/she becomes aware of the need for a leave of absence:

83.6.1 The reason the leave of absence is being requested.

83.6.2 The anticipated dates the leave of absence will begin and end.

83.6.3 A physician's certificate or other medical proof acceptable to the company indicating the nature of the disability. In addition, during the leave of absence, the employee must provide:

83.6.4 Periodic updates to the employee's supervisor and/or department head at least every 30 days concerning the employee's status, expected date of return, and

continued intent to return to work upon expiration of the leave.

83.6.5 Immediate notification of the employee's supervisor or department head of a need to change the duration of the leave of absence.

83.7 If an employee desires a leave of absence for elective medical procedures, he/she must submit the request for a leave at least two weeks prior to the date he/she wishes such leave to commence.

84 Medical Leaves of Absence for Work-Related Disabilities (Worker's Compensation)

84.1 Injury and Illness Reporting

84.1.1 Any duty-related injury or illness which requires medical treatment shall be reported to the appropriate immediate supervisor by any injured or ill employee as soon as physically possible.

84.1.2 Any duty-related injury or illness which does not require medical treatment shall be reported to the appropriate immediate supervisor by any injured or ill employee by the end of the work-day schedule in which the injury or illness occurred.

84.2 Accident Reporting

84.2.1 Any duty-related accident which results in any injury or property damage shall be reported to the appropriate immediate supervisor by any accident-involved employee as soon as physically possible.

84.2.2 Any duty-related accident which does not result in an injury or property damage shall be reported to the appropriate immediate supervisor by any accident-involved employee by the end of the work-day schedule in which the accident occurred.

84.3 Any employee suffering any duty-related injury or illness which requires immediate or continued medical treatment shall immediately seek such treatment from a Housing Authority-approved physician or medical facility, except as provided by State law.

84.4 Leave of Absence for Industrial Disability Qualification

84.4.1 Any employee suffering from a duty-related injury or illness which disables that employee from the performance of regular job duties, may request a leave of absence for industrial disability. Such request shall be submitted in the form of a Workers' Compensation claim. Upon the acceptance of any such claim by the Housing Authority or the State Workers Compensation Appeals Board, the employee shall be granted a leave of absence for industrial disability. Any dispute regarding any such claim shall be resolved through the State Workers Compensation Appeals Board process.

84.4.2 Compensation During Leave of Absence
Any employee granted a leave of absence for industrial disability shall receive full salary and fringe benefit compensation from the Housing Authority for the duration of any such leave, as delineated in 84.4.3 below, provided that the Housing Authority shall receive any temporary disability payments which are also received by the employee.

84.4.3 Duration of Leave of Absence
Any such leave of absence for industrial disability shall only extend for a period of up to sixty (60) working days, except as provided below:

84.4.3.1 Such leave of absence for industrial disability shall not be authorized for any period beyond (1) the actual period of

duty-related disability; (2) the date that employee is released for partial duty; (3) the point in time that a physician declares the duty-related injury or illness to be permanent and stationary; or (4) the date the employee resigns or actually or constructively informs the Housing Authority that he/she does not intend to return to the Housing Authority's employ.

84.4.3.2 Such leave of absence for industrial disability shall not be authorized after an employee's separation from Housing Authority service.

84.4.3.3 Such leave of absence for industrial disability shall not begin for three (3) calendar days following the occurrence of any duty-related injury or illness, unless the period of actual disability extends beyond seven (7) calendar days, or unless the job-related injury or illness requires inpatient hospitalization. During any such three (3) calendar day waiting period, sick leave or vacation may be granted.

84.4.3.4 An employee may request an extension of any such leave of absence for industrial disability through the use of accumulated sick leave or vacation.

84.4.3.5 n employee may request a leave of absence without pay for up to one hundred eighty (180) calendar days following the termination of any leave of absence for industrial disability.

84.5 Returning to Work

Before returning to work following a leave of absence for a work-related disability, an employee must submit a physician's verification stating the employee's ability to return to work and the date that he/she is able to return.

84.6 Accrual of Seniority and Benefits

Employees returning from a leave of absence for industrial disability will be reinstated without loss of seniority earned prior to the commencement of their leave. Employees returning from a leave of absence will be given credit for the probationary period or any portion thereof completed prior to the commencement of the leave of absence.

84.7 Notification Requirements

It is the employee's responsibility to provide the Executive Director all the following information in writing during the leave of absence:

84.7.1 Periodic updates to the employee's supervisor and/or department head at least every 30 days concerning the employee's status, expected date of return, and continued intent to return to work upon expiration of the leave.

84.7.2 Immediate notification of the employee's supervisor or department head of a need to change the duration of the leave of absence.

85 Family Care Leave

85.1 Employees may request an unpaid family care leave. All employees shall be entitled to this leave after completing at least one (1) year of continuous service. The request for leaves will be considered in an eligible employee seeks the leave to care for (1) a newborn child, (2) an adopted child, (3) a seriously ill child, (4) a parent or spouse who has a serious health condition.

85.2 Family care leaves of absences are considered unpaid leaves.

85.3 Family care leave may not exceed four months in a 24-month period. If the leave is requested or used in conjunction with a medical leave of absence of any kind, the family care leave may be limited to one month. This limitation will apply if the medical leave lasted for the maximum period permitted by the employer's medical leave policy.

85.4 Employees who satisfy all the conditions of the employer's policies and who return to work immediately following the expiration of an approved family care leave will be reemployed in their former position or a comparable position following the leave of absence.

85.5 Except in emergency situations, such leave must be requested and approved in advance of the birth in order to allow time for any necessary schedule changes or substitute coverage.

85.6 The Housing Authority administers its Family Care Leave policy in accordance with the California Family Rights Act of 1991. Employees are encouraged to direct any questions regarding the limitations and conditions that apply under this policy to the Executive Director.

86 Military Leaves of Absence

86.1 Military leaves of absence are granted without pay. However, in order to be eligible, employees must submit written verification from the appropriate military authority. The Housing Authority will reinstate those employees returning from military leave to their same position or one of comparable seniority, status, and pay if they:

86.1.1 Have a certificate of satisfactory completion of service;

86.1.2 Apply within 90 days after release from active duty or within such extended period, if any, as their rights are protected by law; and

86.1.3 Are qualified to fill their former position.

86.2 Compliance with Legal Requirements
Exceptions to this policy will occur wherever necessary to comply with applicable laws.

87 Jury and Witness Duty

87.1 Jury Duty

87.1.1 It is the policy of the Housing Authority of the City of Calexico to enable employees to fulfill their civic obligations. If an employee is called to jury duty, he/she must notify his/her supervisor immediately so appropriate arrangements can be made for the time off required.

87.2 Witness Duty

87.2.1 An employee who is required by law to appear in court to testify as a witness in a job related court case shall receive regular pay for the hours absent for such purpose.

87.2.2 Regular full-time employees who are subpoenaed to appear in court for non-job-related purpose may use accrued vacation leave or leave without pay for such absence.

87.3 Regular full-time employees will be paid their regular wages while on jury duty (less amounts received from other sources) up to a maximum of 20 working days each calendar year.

87.3.1 Employees other than those designated above will be provided time off for jury or witness duty in an unpaid status.

CONDUCT AND DISCIPLINE

92 Conduct and Discipline

92.1 Standards of Conduct

It is expected that all Housing Authority employees shall render the best possible service and reflect credit on the Housing Authority, and therefore high standards of conduct are essential.

92.2 Improper Employee Conduct

Improper conduct may be cause for disciplinary action. The term "improper conduct" means not only any improper action by an employee in the employee's official capacity, but also conduct by an employee not connected with the employee's official duties that affects the employee's ability to perform official duties, and any improper use of the position as an employee for personal advantage. In addition, improper conduct includes, but is not limited to, the following:

92.2.1 Violation of any Federal, State, or local law directly impacting the employee's fitness for employment.

92.2.2 Using, possessing, dealing, distributing, or being under the influence of intoxicating beverages, unprescribed narcotics or unlawful drugs while on duty or at work locations, or reporting to work or operating Housing Authority vehicles or equipment under the influence of alcohol or any unlawful or unprescribed drug.

92.2.3 Failure or refusal to comply with a lawful order or to accept a reasonable and proper assignment from an authorized supervisor or Housing Authority management official.

92.2.4 Inefficiency, incompetence, carelessness, or negligence in performance of duties.

92.2.5 Sexual harassment or other unlawful harassment of another employee.

92.2.6 Chronic or excessive absenteeism, whether excused or unexcused, or inconsistent attendance.

92.2.7 Rude or discourteous treatment of other employees or the public.

92.2.8 Inattention to duty, tardiness, carelessness or negligence in the care and handling of Housing Authority property.

92.2.9 Loss or misuse of Housing Authority funds.

92.2.10 Improper or unauthorized use of Housing Authority vehicles or equipment or misappropriation of supplies.

92.2.11 Misuse of sick leave, including using sick leave under false pretenses.

92.2.12 Furnishing false information to secure appointment, or falsification of time cards
or other records and reports.

92.2.13 Absence from duty without authorized leave, failure to report after leave of absence has expired or after such leave of absence has been disapproved, revoked, or canceled.

92.2.13 Violation of the provisions of these rules and regulations, Departmental rules and policies, or any written policies that may be prescribed by the Housing Authority.

92.2.15 Acceptance by an employee of any bribe, gratuity, kickback, or other item of value when such is given in the hope or expectation of receiving preferential treatment.

92.2.16 Outside work that creates a conflict of interest with Housing Authority work, or detracts from the efficiency of the employee in the effective performance of Housing Authority functions.

92.2.17 Failure to obtain or maintain necessary qualification, certificate, or license, which is required as a condition of employment.

92.2.18 Possession of an unsafe driving record for those employees required to operate Housing Authority vehicles.

92.3 Disciplinary Action

The purpose of disciplinary action is to correct deficiencies in employee performance, to seek improvement to meet appropriate standards, and/or to correct for violation of Housing Authority policies. The disciplinary process outlined below has been established to provide general guidelines for a fair method for disciplining employees.

92.3.1 Discipline may be initiated for various reasons, including, but not limited to, violations of Housing Authority work rules, insubordination or poor job performance. The severity of the action depends on the nature of the offense and an employee's record, and may range from verbal counseling to immediate dismissal.

92.3.2 The normal progressive discipline procedure consists of:

92.3.2.1 Verbal Counseling: An opportunity to communicate in a non-disciplinary fashion that a problem is perceived and that the supervisor is available to help solve it.

92.3.2.2 Verbal warning: To communicate to the employee that a repeat action may result in more serious discipline.

92.3.2.3 Written warning: A written communication to the employee that the same or related offense has been committed. A copy of this warning is given to the employee and one copy is filed in the

employee's personnel file.

92.3.2.4 Second written warning and/or suspension without pay: For the same or a related offense. Prepared in writing reflecting prior disciplinary actions; a copy is given to employee and a copy is kept in the employee's personnel file.

92.3.2.5 Dismissal: The final step in the disciplinary process. The Executive Director may choose to enforce an alternative measure of discipline, such as demotion, in an effort to solve the problem short of dismissing an employee.

92.3.3 Although one or more of these steps may be taken in connection with a particular employee, no formal order or system is necessary. The Housing Authority reserves the right to deviate from this policy when it feels that circumstances warrant such a deviation. The Executive Director is vested with the authority to determine the appropriate course of action.

92.3.4 The Department Head and the Executive Director must be informed of the disciplinary problem prior to the issuance of the first written warning. Further steps in the disciplinary process will not be taken without the approval of the Department Head and the Executive Director.

92.4 Regular non-management employees who have completed an initial introductory period shall be discharged only after appropriate disciplinary proceedings, which includes the opportunity for a hearing on the matter in accordance with Section 99.

92.5 An employee serving an initial introductory period may be discharged without application of the disciplinary process and with no rights of appeal.

93 Suspension, Demotion, Dismissal

93.1 Subject to the Hearings and Appeals Procedures specified in Section 99, the Executive Director may:

93.1.1 Impose a suspension without pay upon an employee when, in his/her judgment, such action will best serve the interests of the Housing Authority. Such suspension shall, however, not exceed a period of thirty (30) working days except that if the suspension is imposed because of an employee's trial by a court of law, the suspension may extend to such time as that court has rendered its decision.

93.1.2 Demote a regular employee to a position in a lower class with an appropriate reduction in pay for reasons including but not limited to unsatisfactory performance or physical disability, lack of work, or lack of funds.

93.1.3 Dismiss for cause any regular employee.

HEARINGS, APPEALS AND GRIEVANCES

99 Hearings Procedures

99.1 Prior to undertaking any of the personnel actions set forth in Section 93, the Department Head, in coordination with the Executive Director, shall first provide the employee with a written specification of reasons for the proposed action. The statement shall either be delivered personally to the employee or sent by Certified Mail, Return Receipt Requested, and shall notify the employee of his/her right to request a hearing within seven (7) days. The employee may, accordingly, request a hearing to determine if there is cause for the proposed personnel action. A request for a hearing must be in writing and must be delivered to the Executive Director on or before seven (7) days after the employee's receipt of notice of intended action.

99.2 Upon receipt of the Request for Hearing, the Executive Director, in coordination with the Department Head, shall notify the employee of the time and place for a hearing to be held not later than ten (10) days after receipt of the request therefore. The employee shall be entitled to be present at such hearing together with an attorney and/or designated representative. Hearings are to be conducted by the Department Head and the Executive Director informally, and shall provide the employee with the opportunity to refute, explain, or otherwise address the proposed statement of charges. All decisions of the Department Head shall be rendered within ten (10) days after conclusion of the hearing, and shall be final unless timely appealed by the employee as provided in the section entitled, "Appeals Procedures."

100 Appeals Procedures

100.1 Any regular employee subjected to any personnel action set forth herein may appeal any decision of the Department Head by filing a Notice of Appeal with the Executive Director within fifteen (15) calendar days after his/her receipt of the decision. On receipt of such Notice of Appeal, the Executive Director shall schedule a meeting with the employee within thirty (30) days thereafter, and notify the employee of said date and place. In the appeal process, the employee may be represented by:

100.1.1 Any other regular employee of the Housing Authority; or

100.1.2 His/her attorney.

100.2 At the hearing, both the appealing employee and the Housing Authority shall have the right to be heard and to present evidence.

100.2.1 Oral evidence shall be taken only on oath or affirmation.

100.2.2 Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issue even though the matter was not covered in the direct examination, to impeach any witness regardless of which party first called him/her to testify, and to rebut the evidence against him/her. If the respondent does not testify in his/her own behalf, he/she may be called and examined as if under cross-examination.

100.2.3 The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules that might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

100.3 If the Executive Director makes a finding that the personnel action was taken upon reasonable cause, the Department Head's order shall be sustained. If, on the other hand, the Executive Director finds that the Department Head's order should be rescinded, the employee shall be reinstated in his/her former position and shall receive pay and fringe benefits for all of the applicable period of time.

101 Grievance Procedures

101.1 Scope

101.1.1 The Housing Authority wishes to provide each employee fair and impartial treatment. Accordingly, in coordination with the recognized bargaining representatives, it has established a grievance procedure to allow employees the opportunity to resolve a difference in interpretation or application of the terms of the Memorandum of Understanding. The grievance procedure is provided in detail in each Memorandum of Understanding.

101.1.2 Specifically excluded from the grievance procedure are:

101.1.2.1 Subjects involving the amendment or change of Board if Commissioner resolutions, ordinances, or minute orders.

101.1.2.2 Performance appraisals, dismissals, suspensions, and other matters that have other means of appeal.

101.1.2.3 Matters outside the terms of the Memorandum of Understanding.

102 Open Door Policy

102.1 In an effort to maintain communications between management and employees, and to provide an opportunity to clarify matters outside the scope of the grievance or appeals process, the Housing Authority maintains an open door policy.

102.2 Employees who have any questions or problems are encouraged to bring them to the attention of their immediate supervisor. If an employee is unable to resolve these questions or problems after this discussion, he/she may contact the Executive Director to discuss the questions or problems further. The Executive Director will attempt to investigate the employee's concerns and provide the employee with a response as soon as is reasonably possible.

102.3 An effort will be made to provide employees an opportunity to raise their questions or problems in confidence and without fear of reprisal or discrimination. The Housing Authority will make every effort to investigate and settle an employee's problems on a fair and equitable basis.

DEFINITION OF TERMS

Terms used in these policies are defined as follows:

ALLOCATION

The assignment of an individual position to an appropriate class on the basis of the type, difficulty, and responsibility of the work performed in the position. As used in these personnel rules, employees are appointed to positions; positions are allocated to classes.

ANNIVERSARY DATE

The date recurring yearly upon an employee's regular appointment or date of hire. This date is used principally in matters regarding vacation, sick leave and other related personnel actions.

APPOINTMENT

The employment of a person in a position. Types of appointment include Regular, Probationary, Temporary, and Promotional Appointments.

HOUSING AUTHORITY

The Housing Authority of the City of Calexico.

BOARD OF COMMISSIONERS

The Housing Authority of the City of Calexico Board of Commissioners.

CLASS OR CLASSIFICATION

A group of positions sufficiently similar in duties, responsibilities, authority, and qualifications for employment to permit combining them under a single title and equitable application of common standards of selection and compensation.

CLASS SPECIFICATION

A written description of a class setting forth factors and conditions that are essential characteristics of positions in that class.

CLASSIFICATION PLAN

The designation of a title for each class together with the specification for each class as prepared and maintained by the Executive Director.

CONTINUOUS SERVICE

The period of employment since original appointment served without a break in service caused by a layoff of more than one year, resignation, or discharge.

DATE OF HIRE

The date of an employee's original appointment to the Housing Authority service.

DAYS

Calendar days unless otherwise stated.

DEMOTION

The voluntary or involuntary reduction of a regular employee from a position in one class to a position in another class having a lower maximum salary rate.

DEPARTMENT HEAD

The administrative head of a Housing Authority operating department.

DISCHARGE OR DISMISSAL

The involuntary separation of an employee from the service of the Housing Authority.

EXAMINATION

Any device or procedure used in the selection of employees for a position including, but not limited to, oral interviews, written tests, performance tests, evaluation of performance during probation, and an evaluation of education and experience.

FULL-TIME EMPLOYEE

An employee who is employed to work on a full-time basis (generally 40 hours per week, 52 weeks per year).

LAY-OFF

The separation of an employee from his/her position due to reorganization, the lack of work to be accomplished, or the lack of funds.

LEAVE

Authorized or unauthorized absence from an employee's place of work.

STEP INCREASE ELIGIBILITY DATE

The future date on which an employee becomes eligible for consideration for a salary advance within the salary range established for the class of position he/she occupies.

ORIGINAL APPOINTMENT

The person's first appointment as a Housing Authority employee. An employee receives a new original date of hire when rehired following resignation or discharge (other than lay-off).

PART-TIME EMPLOYEE

An employee who is employed to work less than eight hours per day, 40 hours per week in a regular position.

REGULAR EMPLOYEE

An employee who has successfully completed the probationary period assigned for his/her classification.

PERSONNEL ACTION

Any action taken with reference to appointment, compensation, promotion, transfer, lay-off, dismissal, discipline, commendations, or any other action affecting the status of employment.

POSITION

A combination of current duties and responsibilities requiring the full-time or part-time services of an employee.

INTRODUCTORY APPOINTMENT

The employment of a person in a regular position for a working test period during which job performance is evaluated as the basis for consideration for regular appointment.

INTRODUCTORY PERIOD

A working test period during which an employee is required to demonstrate his/her fitness for the actual performance of the assigned duties of the position. "Initial" introductory period is the first introductory period completed by an employee following the original date of hire.

INTRODUCTORY EMPLOYEE

An employee who is serving an introductory period for the position and or class in which he/she is currently employed.

PROMOTION

The advancement of an employee from a position in one class to a position in another class having a higher maximum rate of pay.

PROMOTIONAL APPOINTMENT

The probationary employment of an employee in a regular position following a promotion.

RECLASSIFICATION

A change in the class level of an individual position by raising it to a higher class, reducing it to a lower class, or by moving it to another class at the same level on a basis of significant changes in kind, difficulty, or responsibility of the work performed in the position.

REDUCTION IN PAY

A salary decrease within the limits of the pay range established for a class, generally as a disciplinary action.

REGULAR APPOINTMENT

The employment of a person in a regular budgeted position following the successful completion of a introductory period.

REGULAR EMPLOYEE

An employee who has successfully completed an initial probationary period in regular position.

REHIRE

The reemployment, without examination, within one year of separation, of a former employee into the same classification from which the employee separated.

REINSTATEMENT

The reemployment, without examination, of a laid-off employee into the same or lower class from which the employee was laid off.

RESIGNATION

Voluntary termination of employment.

REPRIMAND

Oral or written notice of unsatisfactory performance or improper action given as a disciplinary action.

RETIREMENT

Service

The voluntary termination of a regular employee from a regular position after becoming eligible for and applying to the Public Employees Retirement System for retirement benefits or after having reached the maximum age limit.

Disability

The termination of an employee due to physical or mental inability to perform the duties of the position after an employee has become eligible for benefits under the Public Employees Retirement System.

SALARY RANGE

The range of salary rates for a class defined in the current salary table approved by the Board of Commissioners.

SALARY RATE

The dollar amount of each step in a salary range; or, the flat dollar amount of salary for a class not having

salary range.

SALARY STEP

Each of the five steps defined in the current salary table approved by the Board of Commissioners.

SEPARATION

The termination of an employee's employment with the Housing Authority because of retirement, resignation, death, lay-off, or dismissal.

SHIFT EMPLOYEE

A full-time employee whose regular work day duties require work on weekends and holidays.

SUPERVISOR

An employee assigned responsibility for evaluation of permanently assigned employees and for organizing, assigning, and reviewing their work.

SUSPENSION

The temporary and involuntary separation for a specified period of time of an employee from the position for disciplinary purposes.

TEMPORARY EMPLOYEE

An employee appointed for a period not to exceed 90 working days in any fiscal year.

TRANSFER

A change of an employee from one position to another position in the same class or a comparable class at the same salary range.

VACANCY

An authorized position for which funds are available which is not occupied.

Housing Authority of the City of Calexico
Maintenance Plan

Annual Dwelling Unit Inspection & Repair Records.

The maintenance department in conjunction with the housing department will perform physical inspections to all public housing units and a inspection report will be used by the maintenance department to generate work orders to complete within 30 days of the inspection date in those cases where maintenance repairs are necessary in the unit to comply with the Uniform Physical Code Standard (UPCS) guidelines.

Copy of work order generated as a result of the unit inspection will be kept in our files for at least three fiscal years.

Preventive Maintenance Schedule.

A preventive maintenance schedule is prepared to comply with the uniform physical condition standards (UPCS) in at least annual basis and updated when necessary detailing maintenance items to be performed during the fiscal year, all the buildings components and services are included in this preventive maintenance schedule
The following items will be included in the Preventive Maintenance Schedule:

> **Lighting, stair rails and treads, entry/gate locks, common areas, mailboxes, vehicle gates, trash areas, boilers/water heaters, exterior signage, sewer clean-outs, playground equipment, gutters, parking lots and driveways, landscaping, light sensors, alarm systems, sprinkler systems, roofs, curb painting, building stucco, exterior painting, playground base, sidewalks.**

Building and Site System Inspections, Repair and Servicing Reports.

The maintenance department will perform at least in annual basis physical inspections of all public housing buildings to detect any problem and to take the necessary steps to correct it.

In addition to the annual inspection, maintenance staff is aware of their responsibility to inform of any irregularity observed by them or informed to them by any resident in regards to repairs necessary in any of our buildings.

In any event where a repair is necessary to correct a deficiency or to avoid any possible problem, a work order will be generated reflecting the work performed and the date when the work was completed, this information will be kept in file for at least three fiscal years.

Extraordinary Repair and Replacement(Non Capital Fund Items).

Extraordinary repair and replacement of equipment will be perform by the maintenance department in accordance to the funds availability and the severity of the problem detected.

Extraordinary repairs and replacement of equipment will be planned by the maintenance department director with the approval of the executive director.

Any emergency to replace any equipment will be evaluated and correction will be made as necessary.

Work order will be generated to reflect any work that is performed under this items and copy of those wo rk orders will be kept in file for at least three fiscal years.

Procurement Plan and Schedule for Large Purchases or Contracts.

Maintenance department will plan the purchase of any equipment that is necessary for the well operation of this department as well as the purchase of any other equipment to be installed in any of our public housing units or buildings.

Large contracts will be planned in conjunction with the Comprehensive Grant Program staff.

All this information will be provided to the executive director for his/her review and approval to be included in the proper budget.

Any procurement for goods or contract services will be in accordance with the HACC procurement policy.

Quality Control Inspection Schedule.

Maintenance department will prepa re an schedule of quality control inspection that will be perform by our maintenance director to ensure that physical inspections are prepared in accordance with HUD's guidelines and requirements.

Documentation to support this quality control inspections will be kept in file at least for the last three fiscal years.

Inventory procedures.

Inventory procedures will be performed in accordance to HACC's inventory control policy.

Quality Work Order Control/ Inspection Schedule

Maintenance Department will prepare an schedule of Quality Work Order Control Inspection (QWOCI) that will be performed by the Maintenance Operations Director to ensure that Work Orders have been completed in a satisfactory manner.

Satellite Installation policy

?? **Prior to any satellite installation you must first notify the Housing Authority management for approval.**

?? **All satellites must be installed and removed only by the satellite firm or qualified professional.**

?? **All work installation shall be subject for inspection by the Housing Authority.**

?? **The resident is responsible for any damages caused to the building by the satellite equipment. (ie.) damaged stucco, broken trim, and damaged roof shingles.**

?? **All satellite equipment must be installed at the rear of the unit fascia board.**

?? **All satellite exterior cables must be properly stapled in a conspicuous manner (ie) under the building eves along trim edges and attics, or between interior walls with cable box.**

?? **Exterior cable to be drill into stucco, or wood walls must have cable grommets or silicone sealing.**

?? **No interior cable shall be on floor or along base board ,crossing the walkway path causing tripping hazards.**

?? **Interior cable must be installed at ceiling edges.**

?? **No satellite equipment shall be installed directly to the roof.**

?? **No satellite shall be installed to the existing equipment (ie.) roof top air conditioners, vent pipes, overhead electric post.**

CHAPTER 1

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 Section 8 Tenant-Based Assistance Program, is described in and implemented throughout this Administrative Plan. The Section 8 rental assistance programs are federally funded and administered for the City of Calexico by the Housing Authority of the City of Calexico through its Section 8 housing office.

Administration of the Section 8 Program and the functions and responsibilities of the Housing Authority (Housing Authority) staff shall be in compliance with the Housing Authority'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 Housing Authority is the City of Calexico in the County of Imperial.

A. HOUSING AUTHORITY OF THE CITY OF CALEXICO MISSION STATEMENT

The following mission statement has been adopted to guide the activities of the Housing Authority of the City of Calexico.

TO PROVIDE CLEAN, AFFORDABLE, QUALITY HOUSING IMPROVING THE STANDARD OF LIVING OF THE POPULATION IT SERVES. PROMOTE UPWARD MOBILITY, SELF-SUFFICIENCY AND RESIDENT EMPOWERMENT.

B. GOALS AND OBJECTIVES

The goals and objectives adopted by the Housing Authority of the City of Calexico are:

Goal One: To manage the Housing Authority of the City of Calexico in a manner that results in full compliance with applicable statues and regulations as defined by program audit requirements.

Objectives:

1. The Housing Authority shall promote a motivating work environment with a capable and efficient team of employees to operate as a customer-friendly and fiscally prudent leader in the affordable housing industry. To accomplish this, the Housing Authority will ensure Housing Authority its staff receives timely training, in all areas of property management as required by HUD.

2. To ensure each department is in compliance with the PHAS, SEMAP, MTCS and other requirements, timely submissions and quality control will be monitored on a monthly basis.

3. The Housing Authority of the City of Calexico shall sustain its classification as a high performer up to the fiscal year ending June 30, 2004.

Goal Two: To increase the availability of decent, safe and affordable housing in order to address the affordable housing needs of our community for the next five years. Cited as a need in our City's General Plan.

To adapt the Housing Authority of the City of Calexico's housing stock and program resources to more closely meet the housing needs and markets identified in our needs assessment

Objectives:

1. Increase the availability of affordable housing within the City of Calexico, by 20% of the Housing Authority's existing stock, within the next five years.

2. To develop a non-profit housing corporation, if necessary, to seek tax credit and other financing to build new affordable housing units.

3. Assist a total of twenty-five public housing families to move from renting to homeownership by June 30, 2004.

Goal Three: Promote fair housing and equal opportunity for all members of our community through outreach and education.

Objectives:

1. Use the tenant-based assistance program to expand housing opportunities beyond areas of traditional low-income and minority concentration.

2. The Housing Authority of the City of Calexico shall mix its public housing development populations, as much as possible, in relation to ethnicity, race and income.

Goal Four: Improve the access of public housing residents to services that support economic development opportunities and quality of life.

Objectives:

1. The Housing Authority of the City of Calexico will establish new partnerships in order to enhance self-sufficiency services to our residents by June 30, 2004.

2. The Housing Authority of the City of Calexico will more effectively utilize its community facilities to provide resident services as measured by increased utilization of 20% by June 30, 2004.

3. Apply to at least two appropriate foundations or grant funds to expand our Economic Develop and Family Self-Sufficiency Program.

4. The Housing Authority of the City of Calexico shall have an effective, fully functioning resident organization by June 30, 2004.

Goal Five: Provide a safe and secure environment in the Housing Authority of the City of Calexico's public housing developments.

Objectives:

1. The Housing Authority of the City of Calexico shall reduce crime in its developments so that their crime rate is less than their surrounding neighborhood by June 30, 2004.

2. The Housing Authority of the City of Calexico shall refine the memorandum of understanding between the City of Calexico's police department and this agency. The purpose of this is to better define the "edge problem" of crime that occurs near our developments and develop strategies for identifying and reducing this problem.

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 goals and objectives contained in the Agency Plan. The Housing Choice Voucher Program is implemented as of 10/1/99; pre-merger Regular Tenancy Contracts, Voucher Contracts, and Over Fair Market Rent Tenancy Contracts will remain in effect until the family's second reexamination after the merger date or whenever a new lease is executed, whichever comes first.

The Housing Authority 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, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

Applicable regulations include:

?? 24 CFR Part 5: General Program Requirements

?? 24 CFR Part 8: Nondiscrimination

?? 24 CFR Part 982: Section 8 Tenant-Based Assistance

Local rules that are made part of this Plan are intended to promote local housing objectives consistent with the intent of the Federal Housing Legislation.

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d)(22)]

Expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes shall not exceed $1000.00 per occurrence nor more than $5,000.00 in the aggregate for each fiscal year without the prior approval of the Board of Commissioners

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define the Housing Authority'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 the City of Calexico is referred to as "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 restricting assistance to U.S. citizens and eligible immigrants.

The Section 8 programs are also known as the Regular Tenancy Certificate, Over-FMR Tenancy (OFTO) and Voucher Programs. The Voucher Choice program refers to the merged program effective as of 8/12/99.

"HQS" means the Housing Quality Standards required by regulations as enhanced by the Housing Authority.

"Failure to Provide" refers to all requirements in the first Family Obligation. See "Denial or Termination of Assistance" chapter.

“Merger date” refers to October 1, 1999, which is the effective date of the merging of the Section 8 Certificate and Voucher program into the Housing Choice Voucher Program.

See Glossary for other terminology.

G. FAIR HOUSING 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 Housing Authority shall not deny any family or individual the equal 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, familial or marital status, handicap or disability or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Authority will provide Federal/State/local information to Housing ChoiceVoucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. 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 Voucher holder's briefing packet and available upon request at the front desk.

All Housing Authority staff will be required to attend fair housing training and informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of the overall commitment to quality customer service. Fair Housing posters are posted in the Housing Authority offices and the equal

opportunity logo will be used on all outreach materials. Staff will attend local fair housing update training sponsored by HUD and other local organization to keep current with new developments.

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 Housing Authority's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout the Housing Authority's office in such a manner as to be easily readable from a wheelchair.

The Housing Authority of the City of Calexico office(s) are accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TTD/TDY telephone service provider.

H. REASONABLE ACCOMMODATIONS POLICY [24 CFR 700.245(c)(3)]

It is the policy of this Housing Authority 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.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of his or her disability before the Housing Authority will treat a person differently than anyone else. The Housing Authority's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on Housing Authority forms and letters. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the Housing Authority, when the Housing Authority initiates contact with a family including when a family applies, and when the Housing Authority schedules or reschedules appointments of any kind.

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

- ?? 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

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403(a), individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are

considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

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

If the Housing Authority finds that the requested accommodation creates an undue administrative or financial burden, the Housing Authority will either deny the request and/or present an alternate accommodation that will still meet the need of the person.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of the Housing Authority (i.e., waiving a family obligation).

An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the Housing Authority.

The Housing Authority will provide a written decision to the person requesting the accommodation within 15 working days. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the Housing Authority's decision.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All Housing Authority mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Verification of Disability

The Housing Authority will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 rehabilitation Act, and Americans with Disabilities Act.

Outreach

Outreach efforts will include notification of the Housing Authority's 504 Advisory Board as well as all other media and agencies listed in the Housing Authority's Administrative Plan regarding public notices (see section on opening and closing the waiting list in "Applying for admission" chapter.)

Applying for Admission

All persons who wish to apply for any of the Housing Authority's programs must submit a pre-application as indicated in our public notice. Applications will be made available in an accessible format upon request from a person with a disability.

To provide specific accommodation to persons with disabilities, upon request, the information may be mailed to the applicant and, if requested, it will be mailed in an accessible format.

The full application is completed at the eligibility appointment in the applicant's own handwriting, unless assistance is needed, or a request for accommodation is requested by a person with a disability. Applicants will then be interviewed by Housing Authority staff to review the information on the full application form. Verification of disability as it relates to 504, Fair Housing, or ADA reasonable accommodation will be requested at this time. The full application will also include questions asking all applications whether reasonable accommodations are necessary.

I. TRANSLATION OF DOCUMENTS

The Housing Authority's staff will assist non-English speaking families in Spanish and will consider providing assistance with the translation of documents into Spanish.

In determining whether it is feasible to provide translation of documents written in English into other languages, the Housing Authority will consider the following factors:

?? Estimated cost to Housing Authority per client of translation of English written documents into the other language.

?? The availability of local organizations to provide translation services to non-English speaking families.

?? Availability of bilingual staff to provide translation for non-English speaking families.

J. MANAGEMENT ASSESSMENT OBJECTIVES

The Housing Authority operates its housing assistance program with efficiency and can demonstrate to HUD auditors that the Housing Authority is using its resources in a manner that reflects its commitment to quality and service. The Housing Authority policies and practices are consistent with the areas of measurement for the following HUD SEMAP indicators.

?? Selection from the Waiting List

?? Reasonable Rent

?? Determination of Adjusted Income

?? Utility Allowance Schedule

?? HQS Quality Control Inspections

?? HQS Enforcement

?? Expanding Housing Opportunities

?? FMR/exception rent & Payment Standards

?? Annual Re-examinations

?? Correct Tenant Rent Calculations

?? Pre-Contract HQS Inspections

?? Annual HQS Inspections

?? Lease-up

?? Family Self-Sufficiency Enrollment and Escrow Account Balances

?? Bonus Indicator Deconcentration

Supervisory quality control reviews will be performed by the Housing Administration Director or other qualified person other than the person who performed the work, as required by HUD, on the following SEMAP factors:

?? Selection from the waiting list

?? Rent reasonableness

?? Determination of adjusted income

?? HQS Enforcement

?? HQS Quality Control

The annual sample of files and records will be drawn in an unbiased manner, leaving a clear audit trail.

The minimum sample size to be reviewed will relate directly to each factor.

K. RECORDS FOR MONITORING THE HOUSING AUTHORITY'S PEFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, the Housing Authority 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 Housing Authority's operational procedures objectively and with accuracy and in accordance with SEMAP requirements with internal supervisory audits.

In addition to the required SEMAP documentation, supervisory staff audit the following functions:

?? Not less than 5% of reexaminations

?? Not less than 5% of new applications

?? Not less than 5% of 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/Housing Authority will release family information.

The Housing Authority'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 which 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" or returned to the family member after its use. 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 Administration Housing Director, Executive Director or his/her designee.

The Housing Authority'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.

Housing Authority 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.

All files must be signed for when removed from the secured file storage area.

M. FAMILY OUTREACH [24 CFR 982.153(b)(1)]

The Housing Authority 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 Housing Authority's waiting list is open, the Housing Authority 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 Spanish.

To reach persons, who cannot read the newspapers, the Housing Authority will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The Housing Authority will also utilize public service announcements.

The Housing Authority will communicate the status of housing availability to other service providers in the community, and 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 Housing Authority makes a concerted effort to keep private owners informed of legislative changes in the tenant-based program, which are designed to make the program more attractive to owners. This includes informing participant owners of applicable legislative changes in program requirements.

The Housing Authority encourages owners of decent, safe and sanitary housing units to lease to Section 8 families.

The Housing Authority conducts annual meetings with participating owners to improve owner relations and to recruit new owners.

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/units will be provided at the front desk and provided at briefings.

The staff of the Housing Authority 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 Housing Authority's active participation in a community based organization(s) comprised of private property and apartment owners and managers.

The Housing Authority shall periodically:

?? Establish contact with civic, charitable or neighborhood organizations which have an interest in housing for low-income families and public agencies concerned with obtaining housing for displacements.

?? Explain the program, including equal opportunity requirements and nondiscrimination requirements, including Fair Housing Amendments Act of 1988 and Americans with Disabilities Act, to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families.

CHAPTER 2

ELIGIBILITY FOR ADMISSION

[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

INTRODUCTION

This Chapter defines both HUD and the Housing Authority's criteria for admission and denial of admission to the program. The policy of this Housing Authority is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. The Housing Authority 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 Housing Authority pertaining to their eligibility.

A. ELIGIBILITY FACTORS [982.201(B)

The Housing Authority accepts applications only from families whose head or spouse is at least 18 years of age.

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the Housing Authority.

The HUD 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 age six and older

?? An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and verification where required

?? At least one member of the applicant family must be either an U.S. citizen or have eligible immigration status before the Housing Authority may provide any financial assistance.

Reasons for denial of admission are addressed in the "Denial or Termination of Assistance" chapter. These reasons for denial constitute additional admission criteria.

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors.

Eligibility factors will be verified before the family is placed on the waiting list.

Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for final eligibility processing for issuance of a Voucher, unless the Housing Authority determines that such eligibility is in question, whether or not the family is at or near the top of the waiting list.

B. FAMILY COMPOSITION [24 CFR 982.201]

The applicant must qualify as a Family. A Family may be a single person or a group of persons.

A "family" includes a family with a child or children. A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family. The Housing Authority determines if any other group of persons qualifies as a "family".

A single person family may be:

?? An elderly person

?? A displaced person

?? A person with a disability

Individuals may not be considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence.

?? Any other single person

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 family also includes:

?? Two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship.

?? 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.

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.

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 Housing Authority 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:

?? 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 Non-Citizen 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.

A Live in Aide may only reside in the unit with the approval of the Housing Authority. 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 must include the hours the care will be provided.

[24 CFR 982.316] At any time, the Housing Authority will refuse to approve a particular person as a live-in aide or may withdraw such approval if:

?? The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;

?? The person commits drug-related criminal activity or violent criminal activity; or

?? The person currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

Split Households Prior to Housing Choice Voucher Issuance

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 Housing Authority will make the decision taking into consideration the following factors:

?? Which family member applied as head of household.

?? Which family unit retains the children or any disabled or elderly members.

?? Role of domestic violence in the split.

?? 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 the Housing Authority.

Multiple Families in the Same Household

When families apply which 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.

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.

There will be a self-certification required of families who claim joint custody or temporary guardianship.

When both parents are on the Waiting List and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

C. INCOME LIMITATIONS [24 CFR 982.201(b), 982.353]

To be eligible for assistance, an applicant must:

Have an Annual Income at the time of admission that does not exceed the very low-income limits for occupancy established by HUD.

To be income eligible the applicant must be a family in the very low-income category, which is a family, whose income does not exceed 50 percent of the area median income. The Housing Authority will not admit families whose income exceeds 50 percent of the area median income except those families included in 24 CFR 982.201(b).

To be income eligible the family may be under the low-income limit in any of the following categories: [24 CFR 982.201(b)]

?? A very low-income family.

?? 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 60 days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act.

?? 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 or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of mortgage insurance contract under 24 CFR 248.165.

?? A low-income family that qualifies for Voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program.

The Housing Authority's criteria for admitting Low Income families, in addition to those required under the regulations and identified above, is to admit families who:

?? Are pursuing their education

?? Are participating in an economic self-sufficiency program

?? Are working full time (part-time)

To determine if the family is income-eligible, the Housing Authority 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.

Portability: For initial lease-up at admission, families who exercise portability must be within the applicable income limit for the jurisdiction of the receiving Housing Authority in which they want to live.

D. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]

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 or termination of assistance.

Persons who have not been issued a Social Security Number must sign a certification that they have never been issued a Social Security Number.

Persons who disclose their Social Security Number but cannot provide verification must sign a certification and provide verification within 60 days. Elderly persons must provide verification within 120 days.

E. 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.

All members ineligible. Applicant families that include no eligible members are 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. Not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

Verification of Status Before Admission

The Housing Authority will not provide assistance to families prior to the verification of eligibility for the individual or at least one member of the family pursuant to this section.

F. OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b)]

The Housing Authority will apply the following criteria, in addition to the HUD eligibility criteria as in addition to the HUD eligibility criteria as grounds for denial of admission to the program:

?? The family must not have violated any family obligation during a previous participation in the Section 8 program for 10 years prior to final eligibility determination.

?? The Housing Authority will make an exception, if the family member who violated the family obligation is not a current member of the household on the application.

?? The family must pay any outstanding debt owed the Housing Authority or another Housing Authority as a result of prior participation in any federal housing program before this Housing Authority will allow participation in its Section 8 Program.

?? The Housing Authority will check criminal history for all adults in the household to determine whether any member of the family has violated any of the prohibited behaviors as referenced in the section on One-Strike policy in the "Denial or Termination of Assistance" chapter.

?? If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, the Housing Authority may deny assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum).

G. TENANT SCREENING [24 CFR 982.307)]

The Housing Authority will take into consideration any of the criteria for admission described in the "Denial or Termination of Assistance" chapter.

The Housing Authority will screen family behavior or suitability for tenancy. The Housing Authority will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before Housing Authority approval of the tenancy, the Housing Authority will inform the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as:[24 CFR 982.307(a)(3)]

?? Payment of rent and utility bills

?? Caring for a unit and premises

?? Respecting the rights of other residents to the peaceful enjoyment of their housing

?? Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and

?? Compliance with other essential conditions of tenancy.

The Housing Authority will advise families how to file a complaint if they have been discriminated against by an owner. The Housing Authority will advise the family to make a Fair Housing complaint. The Housing Authority may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing Organization.

H. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment.

I. 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 "Complaints and Appeals" chapter for additional information about reviews and hearings.

J. PROHIBITED ADMISSIONS CRITERIA [982.202(b)]

Admission to the program may not be based on where the family lives before admission to the program.

Admission to the program may not be based on:

?? Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.

?? Discrimination because a family includes children.

?? Whether a family decides to participate in a family self sufficiency program; or

?? Other reasons as listed in the "Statement of Policies and Objectives" chapter under the Fair Housing and Reasonable Accommodations sections.

CHAPTER 3

APPLYING FOR ADMISSION

[24 CFR 982.204]

INTRODUCTION

The policy of the HA 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 HA 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 HA 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 one of the HA'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 will be mailed to interested families upon request only if there is a disability.

The application process will involve two phases. The first is the "initial" application for assistance (referred to as a preapplication). This first phase results in the family's placement on the waiting list.

The preapplication will be dated, time-stamped, and maintained until such time as it is needed for processing.

The second phase is the "final determination of eligibility" (referred to as the full application). The full application takes place when the family reaches the top of the waiting list. At this time the HA ensures that verification of all HUD and HA eligibility factors is current in order to determine the family's eligibility for the issuance of a Housing Choice Voucher.

B. OPENING/CLOSING OF APPLICATION TAKING [24 CFR 982.206, 982.54(d)(1)]

The HA will utilize the following procedures for opening the waiting list.

When the HA opens the waiting list, the HA 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:

?? Imperial Valley Press

?? Calexico Chronicle

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.

?? Limitations, if any, on whom may apply.

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

Upon request from a person with a disability, one week 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.

If the waiting list is open, the HA will accept applications from eligible families unless there is good cause for not accepting the application, such as denial of assistance because of action or inaction by members of the family for the grounds stated in the "Denial or Termination of Assistance" chapter of this Administrative Plan. [24 CFR 982.206(b)(2)]

Closing the Waiting List

The HA may stop applications if there are enough applicants to fill anticipated openings for the next 12 months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next 12 months. When the period for accepting applications is over, the HA will add the new applicants to the list by:

> Separating the new applicants into groups based on preferences and ranking applicants within each group by date and time of application.

Limits on Who May Apply

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.

When the application is submitted to the HA:

> It establishes the family's date and time of application for placement order on the waiting list.

C. "INITIAL" APPLICATION PROCEDURES [24 CFR 982.204(b)]

The HA will utilize a pre-application form. The information is to be filled out by the applicant whenever possible. 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. Translations will be provided for non-English speaking applicants in Spanish.

The purpose of the preapplication is to permit the HA to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list. Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

Ineligible families will not be placed on the waiting list.

Preapplications 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 HA in writing of changes in address. Applicants are also required to respond to requests from the HA to update information on their application and to determine their interest in assistance.

If after a review of the preapplication 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 preapplication, the HA 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 "Complaints and Appeals"chapter.

E. TIME OF SELECTION [24 CFR 982.204, 5.410]

When funding is available, families will be selected from the waiting list in their determined sequence, regardless of family size, subject to income targeting requirements.

When there is insufficient funding available for the family at the top of the list, the HA will not admit any other applicant until funding is available for the first applicant.

F. COMPLETION OF A FULL APPLICATION

All preferences claimed on the preapplication or while the family is on the waiting list will be verified:

?? After the family is selected from the waiting list, and prior to completing the full application

The qualification for preference must exist at the time the preference is claimed and at the time of verification, because claim of a preference determines placement on the waiting list.

After the preference is verified, when the HA is ready to select applicants, applicants will be required to:

?? Complete a Personal Declaration Form.

?? Complete a full application in their own handwriting, the only exception will be if a applicant requests for accommodation is made by a person with a disability. Applicant will then be interviewed by HA staff to review the information on the full application form.

The full application will be mailed to the applicant in advance to complete.

Requirement to Attend Interview

The HA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information, which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other HA services or programs, which may be available.

All adult family members are required to attend the interview and sign the housing application and related forms.

Exceptions may be made for students attending school out of state/for members for whom attendance would be a hardshipdue to a disability. The head of household must provide proof that the member is attending school away from home.

It is the applicant's responsibility to reschedule the interview if s/he misses the appointment. If the applicant does not reschedule or misses two scheduled meetings, the HA will reject the application and deny admission to the program.

If an applicant fails to appear for a pre-scheduled appointment, the HA will automatically schedule a second appointment. If the applicant misses the second appointment without prior approval, the application is denied.

Reasonable accommodation will be made for persons with a disability that require an advocate or accessible offices. The designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review. (See "Complaints and Appeals"chapter.)

All adult members must sign the HUD Form 9886, Release of Information, the application form and all supplemental forms required by the HA, the declarations and consents related to citizenship/immigration status and any other documents required by the HA. Applicants will be required to sign specific verification forms for information which is not covered by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the HA.

If the HA determines at or after the interview that additional information or document(s) are needed, the HA will request the document(s) or information in writing. The family will be given 5 working days to supply the information.

If the information is not supplied in this time period, the HA will provide the family a notification of denial for assistance. (See "Complaints and Appeals" chapter)

G. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in the "Verification Procedures" chapter. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 60 days old at the time of issuance of the Housing Choice Voucher.

H. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY [24 CFR 982.201]

After the verification process is completed, the HA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the HA and the current eligibility criteria in effect. If the family is determined to be eligible, the HA will mail a notification of eligibility. A briefing will be scheduled for the issuance of a Housing Choice Voucher and the family's orientation to the housing program.

CHAPTER 4

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 Housing Authority's objective to ensure Housing Authority 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.

This chapter explains the 5 local preferences, which the Housing Authority has adopted to meet local housing needs, defines the eligibility criteria for the preferences and explains the Housing Authority's system of applying them.

By maintaining an accurate waiting list, the Housing Authority will be able to perform the activities which 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]

The Housing Authority uses a single waiting list for admission to its Section 8 tenant-based assistance program.

Except for Special Admissions, applicants will be selected from the Housing Authority waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

The Housing Authority 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 Housing Authority subsidy standards)

?? Date and time of application

?? Qualification for any local preference

?? Racial or ethnic designation of the head of household

B. SPECIAL ADMISSIONS [24 CFR 982.54(d)(e), 982.203]

If HUD awards a Housing Authority program funding that is targeted for specifically named families, the Housing Authority will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The Housing Authority 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:

?? A family displaced because of demolition or disposition of a public or Indian housing project;

?? A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;

?? For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990;

?? 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

A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

Applicants, who are admitted under Special Admissions, rather than from the waiting list, are identified by codes in the automated system and are not maintained on separate lists.

C. WAITING LIST PREFERENCES [24 CFR 982.207]

An applicant will not be granted any Local preference if any member of the family has been evicted from housing assisted under a 1937 Housing Act program during the past ten years because of drug-related criminal activity.

The Housing Authority will grant an exception to such a family if:

?? The evicted person clearly did not participate in or know about the drug-related activity.

If an applicant makes a false statement in order to qualify for a Local preference, the Housing Authority will deny admission to the program for the family.

D. LOCAL PREFERENCES [24 CFR 5.410]

The Housing Authority will inform all applicants about available preferences and must give applicants an opportunity to show that they qualify for available preferences. If it is impracticable to do so because of the length of the waiting list, the Housing Authority may provide notification to fewer than all applicants at any given time.

The Housing Authority uses the following Local Preference system:

?? Date and Time of receipt of a completed application.

?? Graduates of transitional housing programs for homeless.

?? Veteran preference: [state law definition] (veterans or surviving spouses of veterans).

?? Working Preference. Families with at least one adult who is employed at least 20 hours per week or who are active participants in accredited educational and training programs designed to prepare the individual for the job market. This preference is automatically extended to elderly families or families whose head or spouse is receiving income based on their inability to work.

?? Families who are graduates of or active participants in educational and training programs designed to prepare the individual for the job market.

Treatment of Single Applicants

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

E. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the Housing Authority will reserve a minimum of seventy-five percent of its Section 8 new admissions for families whose income does not exceed 30 percent of the area median income. HUD refers to these families as "extremely low-income families." The Housing Authority will admit families who qualify under the Extremely Low-Income limit to meet the income-targeting requirement, regardless of preference.

The Housing Authority's income targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act.

The Housing Authority is also exempted from this requirement where the Housing Authority 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.

INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION

[24 CFR 5.415]

At the time of application, an applicant's entitlement to a Local Preference may be made on the following basis.

> An applicant's certification that they qualify for a preference will be accepted without verification at the initial application. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the Local Preference and given an opportunity for a meeting.

G. EXCEPTIONS FOR SPECIAL ADMISSIONS [24 CFR 982.203, 982.54(d)(3)]

If HUD awards a Housing Authority program funding that is targeted for specifically named families, the Housing Authority will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The Housing Authority 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:

?? A family displaced because of demolition or disposition of a public or Indian housing project;

?? A family residing in a multifamily rental housing project when HUD sells forecloses or demolishes the project;

?? For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990;

?? 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

?? A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

H. 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.

I. PREFERENCE AND INCOME TARGETING ELIGIBILITY [24 CFR 5.410]

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the Housing Authority in writing when their circumstances change.

When an applicant claims an additional preference, s/he will be placed on the waiting list in the appropriate order determined by the newly claimed preference.

If the family's verified annual income, at final eligibility determination, does not fall under the Extremely Low Income limit and the family was selected for income targeting purposes before family(ies) with a higher preference, the family will be returned to the waiting list.

Cross-Listing of Different Housing Programs and Section 8 [24 CFR 982.205(a)]

The Housing Authority will not merge its waiting lists. However, if the Section 8 waiting list is open when the applicant is placed on the public housing program, or the project-based voucher, the Housing Authority must offer to place the family on its tenant-based assistance list.

Other Housing Assistance [24 CFR 982.205(b)]

Other housing assistance means a federal, State or local housing subsidy, as determined by HUD, including public housing.

The Housing Authority may not take any of the following actions because an applicant has applied for, received, or refused other housing: [24 CFR 982.205(b)]

?? Refuse to list the applicant on the Housing Authority waiting list for tenant-based assistance;

?? Deny any admission preference for which the applicant is currently qualified;

?? Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the Housing Authority selection policy; or

?? Remove the applicant from the waiting list.

However, the Housing Authority may remove the applicant from the waiting list for tenant-based assistance if the Housing Authority has offered the applicant assistance under the voucher program.

J. ORDER OF SELECTION [24 CFR 982.207(e)]

The Housing Authority's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

Local Preferences

Local preferences will be used to select families from the waiting list.

The Housing Authority has selected the following system to apply local preferences:

?? Each preference will receive an allocation of points. The more preference points an applicant has the, higher the applicant's place on the waiting list.

?? Date and Time of Application

?? Graduates of transitional housing.

?? Veteran preference.

?? Working Preference.

?? Participants in educational and training programs.

Among Applicants with Equal Preference Status

Among applicants with equal preference status, the waiting list will be organized by date and time.

K. FINAL VERIFICATION OF PREFERENCES [24 CFR 5.415]

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the Housing Authority will:

?? Mail a Preference Verification letter to the applicant's last known address, requesting verification of the family's preference claim and mail third party verifications as applicable.

L. PREFERENCE DENIAL [24 CFR 5.415]

If the Housing Authority denies a preference, the Housing Authority will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for a review with the Housing Manager, Housing Specialist or Housing Administration Director. If the preference denial is upheld, as a result of the meeting, or the applicant does not request a meeting, within 10 working days the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the Waiting List.

M. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

If an applicant fails to respond to a mailing from the Housing Authority, the applicant will be sent written notification and given 10 working days to contact the Housing Authority. If they fail to respond within 10 working days, they will be removed from the waiting list.

If the applicant did not respond to the Housing Authority request for information or updates because of a family member's disability, the Housing Authority will reinstate the applicant in the family's former position on the waiting list.

If a letter is returned by the Post Office without a forwarding address, it will be re-mailed to the address incited. If the letter is returned a second time 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 a second time. If it is returned a second time 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 the Housing Administration Director, Executive Director or his/her designee determines there were circumstances beyond the person's control. The following exceptions, if determined to exist, will be acceptable to warrant reinstatement:

?? Death in family

?? Hospitalization

Applicants are required to contact the Housing Authority in writing once per year by filling out a form titled Continued Interest in the Section 8 Program to confirm their continued interest.

CHAPTER 5

SUBSIDY STANDARDS

[24 CFR 982.54(d)(9)]

INTRODUCTION

HUD guidelines require that Housing Authority's establish subsidy standards for the determination of family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must be within the minimum unit size requirements of HUD's Housing Quality Standards. This Chapter explains the subsidy standards that will be used to determine the Housing Choice Voucher size (family unit size) for various sized families when they are selected from the waiting list, as well as the Housing Authority's procedures when a family's size changes, or a family selects a unit size that is different from the Housing Choice Voucher.

A. DETERMINING FAMILY UNIT (HOUSING CHOICE VOUCHER) SIZE [24 CFR 982.402]

The Housing Authority does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Housing Choice Voucher. The Housing Authority's subsidy standards for determining Housing Choice Voucher size shall be applied in a manner consistent with Fair Housing guidelines.

For subsidy standards, an adult is a person 18 years or older.

All standards in this section relate to the number of bedrooms on the Housing Choice Voucher, not the family's actual living arrangements.

The unit size on the Housing Choice Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

Generally, the Housing Authority assigns one bedroom to two people within the following guidelines:

?? Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 7.

?? 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 will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.

?? Adults of different generations will have separate bedrooms.

?? **A single pregnant woman with no other family members must be treated as a two-person family.**

?? Single person families shall be allocated zero or one bedroom.

GUIDELINES FOR DETERMINING HOUSING CHOICE VOUCHER SIZE

Housing Choice Voucher Size	Persons in Household	
	Minimum Number	Maximum Number
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	6
3 Bedrooms	3	8
4 Bedrooms	4	10

B. EXCEPTIONS TO SUBSIDY STANDARDS [24 CFR 982.403(a) & (b)]

The Housing Authority shall grant exceptions from the subsidy standards if the family requests and the Housing Authority determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

The Housing Authority 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 the same bedroom.

?? Verified medical or health reason; or share a bedroom because of a need, such as a:

?? Elderly persons or persons with disabilities who may require a live-in attendant.

Request for Exceptions to Subsidy Standards

The family may request a larger sized Housing Choice Voucher than indicated by the Housing Authority's subsidy standards. Such request must be made in writing within 5 calendar days of the Housing Authority'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.

The Housing Authority will not issue a larger Housing Choice Voucher due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

Requests based on health related reasons must be verified by a doctor.

Housing Authority Error

If the Housing Authority errs in the bedroom size designation, the family will be issued a Housing Choice Voucher of the appropriate size.

Changes for Applicants

The Housing Choice Voucher size is determined prior to the briefing by comparing the family composition to the Housing Authority subsidy standards. If an applicant requires a change in the Housing Choice Voucher size, based on the requirements of the Housing Authority subsidy standards, the above references guidelines will apply.

Changes for Participants

The members of the family residing in the unit must be approved by the Housing Authority. 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 Housing Authority within 10 calendar 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 Housing Authority will issue a new Housing Choice Voucher of the appropriate size and assist the family in locating a suitable unit.

Premerger Certificate Families Only:

?? If a premerger certificate family is occupying a unit which has more bedrooms than allocated under the Housing Authority's subsidy standards, and the gross rent exceeds the FMR/Exception Rent for the family size under the Housing Authority's subsidy standards, the Housing Authority will issue the family a new Housing Choice Voucher, of the appropriate size, and assist the family in finding a suitable unit.

?? Premerger certificate families who are under-occupying a unit as defined above will be issued a Housing Choice Voucher and given a minimum of sixty days to locate a new unit before assistance is terminated.

?? In such cases the Housing Authority's Housing Choice Voucher term extension policy will be applicable.

The Housing Authority will also notify the family of the circumstances under which an exception will be granted, such as:

?? If a family with a disability is underhoused in an accessible unit.

?? **If a family requires the additional bedroom because of a health problem which has been verified by a doctor.**

?? The Housing Authority and family have been unable to locate a unit within 60 days.

Transfer Waiting List

When a change in family composition requires a larger Housing Choice Voucher size and no funds are available, the family will be placed on a Transfer List.

Families will be selected from the Transfer List before families are selected from the applicant waiting list. This assures that families who are already on the program are in the appropriate sized units.

Families will be selected from this list when there is available funding, in the following sequence: All others who require a transfer as determined by the Housing Authority.

C. UNIT SIZE SELECTED [24 CFR 982.402(c)

The family may select a different size dwelling unit than that listed on the Housing Choice Voucher. There are three criteria to consider:

Subsidy Limitation: The family unit size as determined for a family under the Housing Authority subsidy standard for a family assisted in the Housing Choice Voucher program is based on the Housing Authority's adopted payment standards. The payment standard for a family shall be the *lower of*:

?? The payment standard amount for the family unit size; or

?? The payment standard amount for the unit size rented by the family.

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 Housing Choice Voucher.

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

Unit Size	Maximum Number in Household
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8

4 Bedrooms	10
5 Bedrooms	12

CHAPTER 6
FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE DETERMINATION

[24 CFR Part 5, Subparts E and F; 982.153, 982.551]

INTRODUCTION

The Housing Authority will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and at annual 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 the allowable expenses and deductions to be subtracted from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (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 Housing Authority's policies in this Chapter address those areas, which allow the Housing Authority 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.

A. INCOME AND ALLOWANCES [24 CFR 5.609]

Income: Includes all monetary amounts, which are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income which is not specifically excluded in the regulations is counted.

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, which 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 expenses and deductions.

Permissive Deductions

The Housing Authority does not adopt any additional permissive deductions to the annual income of the tenants.

HUD has five allowable deductions from Annual Income:

1. 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.

2. Elderly/Disabled Allowance: $400 per family for families whose head or spouse is 62 or over or disabled.

3. Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.

4. Child Care Expenses: Deducted for the care of children under 13 when child care is necessary to allow an adult member to work, attend school, or actively seek employment.

5. Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

B. MINIMUM RENT [24 CFR 5.616]

"Minimum rent" is $50. Minimum rent refers to the Total Tenant Payment and includes the combined amount a family pays towards rent and/or utilities when it is applied.

Hardship Requests for an Exception to Minimum Rent

The Housing Authority recognizes that in some circumstances even the minimum rent may create a financial hardship for families. The Housing Authority will review all relevant circumstances brought to the Housing Authority's attention regarding financial hardship as it applies to the minimum rent. The following section states the Housing Authority's procedures and policies in regard to minimum rent financial hardship as set forth by the Quality Housing and Work Responsibility Act of 1998. HUD has defined circumstances under which a hardship could be claimed.

HUD Criteria for Hardship Exception

In order for a family to qualify for a hardship exception the family's circumstances must fall under one of the following HUD hardship criteria:

?? The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance;

?? The family would be evicted as a result of the imposition of the minimum rent requirement;

?? The income of the family has decreased because of changed circumstances, including:

1. Loss of employment

2. Death in the family, i.e. head of household or spouse, wage earner

3. Other circumstances as determined by the Housing Authority or HUD

Housing Authority Procedures for Notification to Families of Hardship Exceptions

The Housing Authority will notify all participant families subject to a minimum rent of their right to request a minimum rent hardship exception under the law:

?? At the annual recertification appointment, the Housing Authority will notify all families of their right to request a minimum rent hardship exception.

?? Only requests in writing from the family will be accepted by the Housing Authority for a minimum rent exception.

?? Requests for minimum rent exception must state the family circumstances that qualify them for an exception.

Exceptions to Minimum Rent

The Housing Authority will grant the minimum rent exception to all families who request it as long as all the required documentation has been provided by the family.

The Minimum Rent will be suspended until the Housing Authority determines whether the hardship is:

?? Covered by statute

?? Temporary or long term

If the Housing Authority determines that the minimum rent exception is not covered by statute, the Housing Authority will impose a minimum rent including payment for minimum rent from the time of suspension.

The Housing Authority will use its standard verification procedures to verify the circumstances that resulted in financial hardship, such as loss of employment, death in the family, etc.

HUD Criteria for Hardship Exception

In order for a family to qualify for a hardship exception the family's circumstances must fall into one of the following criteria:

?? The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or Local assistance

?? The family would be evicted as a result of the imposition of the minimum rent requirement

?? The income of the family has decreased because of changed circumstances, including:

1. Loss of employment
2. Death in the family, i.e., head of household or spouse, wage earner
3. Other circumstances as determined by the Housing Authority or HUD

Temporary Hardship

If the Housing Authority determines that the hardship is temporary, a minimum rent will be imposed, including back payment from the time of suspension, but the family will not be evicted for nonpayment of rent during the 90 day period commencing on the date of the family's request for exemption.

The Housing Authority defines temporary as 120 days.

Repayment Agreements for Temporary Hardship

The Housing Authority will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period, if:

?? The family owes the Housing Authority money for rent arrears incurred during the minimum rent period, the Housing Authority will calculate the total amount owed and divide it by 3 to arrive at a reasonable payment increment that will be added to the family's regular monthly rent payment. The family will be required to pay the increased amount until the arrears are paid in full.

?? The family goes into default on the repayment agreement for back rent incurred during a minimum rent period, the Housing Authority will reevaluate the family's ability to pay the increased rent amount and

?? Determine whether the family has the means to meet the obligation and, if so determined, initiate eviction proceedings for nonpayment of rent; or.

?? Determine that the repayment agreement is a financial hardship to the family and if so restructure the existing repayment agreement.

The Housing Authority's policies regarding repayment agreements are further discussed in the chapter entitled "Family Debts to the Housing Authority."

Retroactive Determination

The Housing Authority will reimburse the family for minimum rent charges which took effect after October 21, 1998 that qualified for one of the mandatory exceptions.

If the family is owed a retroactive payment, the Housing Authority will offset the family's future rent payments by the amount in which the Housing Authority owes the family.

C. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT

[24 CFR 982.54(d)(10), 982.551]

The Housing Authority must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the Housing Authority 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 14 consecutive days.

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.

It is the responsibility of the head of household to report changes in family composition within 10 days. The Housing Authority 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 more than 9 consecutive months 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 Housing Authority 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 180 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 Housing Authority's "Absence of Entire Family" policy.

Absence Due to Full-time Student Status

Full time students who attend school away from the home will be treated in the following manner:

?? 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 Housing ChoiceVoucher size.

?? If the student is considered temporarily absent from the household, applicable income for that person will be counted.

?? Full time students who are enrolled for less than three years, attend school away from the home and live with the family during school recess will be considered temporarily absent from the household.

?? Full time students, who are enrolled for 3 years or more, attend school away from the home and live with the family during school recess, will be considered permanently absent from the household.

Absence due to Incarceration

If the sole member is incarcerated for more than 90 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 270 consecutive days.

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 Housing Authority 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 6 of months from the date of removal of the child(ren), 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 Housing Authority'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 Housing Authority will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families are required both to notify the Housing Authority before they move out of a unit and to give the Housing Authority information about any family absence from the unit.

Families must notify the Housing Authority in writing at least 1 day before leaving the unit if they are going to be absent from the unit for more than 14 consecutive days.

If the entire family is absent from the assisted unit for more than 60 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 Housing Authority will not continue assistance payments.

HUD regulations require the Housing Authority to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the Housing Authority may:

?? Write letters to the family at the unit

?? Telephone the family at the unit

?? Interview neighbors

?? Verify if utilities are in service

?? 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 Housing Authority can verify that the person was unable to notify the Housing Authority in accordance with the family's responsibilities, and if funding is available, the Housing Authority may reinstate the family as an accommodation if requested by the family, as long as the period was within 180 days.

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 Housing Authority will treat that adult as a visitor for the first 14 days.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the Housing Authority will secure verification from social services staff or the attorney as to the status.

If a member of the household is subject to a court order that restricts him/her from the home for more than 270 days, the person will be considered permanently absent.

Visitors

Any adult not included on the HUD 50058 who has been in the unit more than 14 consecutive days without Housing Authority approval, or a total of 15 days in a 12-month period, will be considered to be living in the unit as a unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a member of the household.

Statements from neighbors and/or the landlord will be considered in making the determination.

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. In the absence of such proof, the individual will be considered an unauthorized member of the household and the Housing Authority 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 60 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 61 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to Owner and Housing Authority

Reporting changes in household composition to the Housing Authority is both a HUD and a Housing Authority requirement.

The family obligations require the family to request Housing Authority approval to add any other family member as an occupant of the unit and to inform the Housing Authority of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing and written authorization from the owner, to be provided to the Housing Authority.

If the family does not obtain prior written approval from the Housing Authority and the owner, any person the family has permitted to move in will be considered an unauthorized household member.

In the event that a visitor continues to reside in the unit after the maximum allowable time, the family must request permission from the owner and the Housing Authority in writing within 1 day of the maximum allowable time.

Families are required to report any additions to the household in writing to the Housing Authority within 10 days of the move-in date.

An interim reexamination will be conducted for any additions to the household.

In addition, the lease will 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 Housing Authority

Reporting changes in household composition is both a HUD and a Housing Authority requirement.

If a family member leaves the household, the family must report this change to the Housing Authority, in writing, within 10 days of the change and certify as to whether the member is temporarily absent or permanently absent.

The Housing Authority will conduct an interim evaluation for changes, which affect the Total Tenant Payment in accordance with the interim policy.

There is a waiting period of 3 years for anyone that is removed from a lease and then wants to be reinstated.

D. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the Housing Authority 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 as to reduce the number of interim adjustments.

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

E. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income will be required by the Housing Authority to provide documentation to prove income on a quarterly basis. If the income has changed, an interim recertification will be performed.

Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

The Housing Authority will request credit checks for all adult members of families that report zero income.

Where credit reports show credit accounts open and payments current, the Housing Authority will take

action to investigate the possibility of fraud or program abuse.

F. 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 Housing Authority will calculate the income by using the following methodology and use the income figure, which would result in a lower payment by the family:

?? Exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.

G. 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 3 months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than $25.00 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 "Verification Procedures" chapter for further definition.)

If the family's expenses exceed their known income, the Housing Authority will make inquire of the family regarding contributions and gifts.

H. 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 Housing Authority 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 Housing Authority will accept verification that the family is receiving an amount less than the award if:

?? The Housing Authority receives verification from the agency responsible for enforcement or collection.

It is the family's responsibility to supply a certified copy of the divorce decree.

I. 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 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 Housing Authority will calculate prospectively if the family reported the payment within 10 days and retroactively to date of receipt, if the receipt was not reported within that time frame.

1. 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 as follows:

?? The entire lump-sum payment will be added to the annual income at the time of the interim.

2. Retroactive Calculation Methodology

?? **The Housing Authority will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.**

?? The Housing Authority 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 to the Housing Authority.

?? At the Housing Authority's option, the Housing Authority may enter into a Payment 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.

J. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS [24 CFR 5.603(d)]

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 are counted as assets

?? After retirement or termination of employment, the Housing Authority will count any amount the employee elects to receive as a lump sum.

K. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(d)(3)]

The Housing Authority must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The Housing Authority 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 Housing Authority's minimum threshold for counting assets disposed of for less than Fair Market value is $2000.00. If the total value of assets disposed of within a one-year period is less than $1,999.00, they will not be considered an asset.

L. CHILD CARE EXPENSES [24 CFR 5.603]

Unreimbursed childcare expenses for children under 13 may be deducted from annual income if they enable an adult, within the assisted household on the contract to work, or attend school full time, or to actively seek employment.

In the case of a child attending private school, only after-hours care can be counted as childcare expenses.

Childcare expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the childcare. 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.

Allowability of deductions for childcare 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 reasonable travel time to and from school.

Amount of Expense: The Housing Authority will survey the local care providers in the community to determine what is reasonable. The Housing Authority will use the collected data as a guideline. If the hourly rate materially exceeds the guideline, the Housing Authority will calculate the allowance using the guideline.

M. MEDICAL EXPENSES [24 CFR 5.609(a)(2), 5.603]

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.

Nonprescription medicines must be doctor-recommended in order to be considered a medical expense.

Chiropractic services will be considered allowable medical expenses.

Only medical expenses that are incurred in the U.S. will be accepted.

N. 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 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 Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

O. REDUCTION IN BENEFITS

See Chapter on recertifications on how to handle income changes resulting from welfare program requirements.

P. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS [24 CFR 982.153, 982.517]

The same Utility Allowance Schedule is used for all tenant-based programs.

The utility allowance is intended to cover the cost of utilities(excluding telephone) is not included in the Tenant Rent. 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.

The Housing Authority's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the housing quality standards.

The Housing Authority may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

The Housing Authority must classify utilities in the utility allowance schedule according to the following general categories: space heating, air conditioning**,** cooking, water heating, water, sewer, trash collection; [other electric,] refrigerator (for tenant supplied refrigerator), range (cost of tenant-supplied range); and other specified services.

The Housing Authority 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 along with their Housing Choice Voucher. The utility allowance is based on the actual unit size selected.

Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family, the Housing Authority will provide a Utility Reimbursement Payment for the family each month. The check will be made out:

Directly to the tenant

CHAPTER 7

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/Family Share be verified by the Housing Authority. Housing Authority staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible as to why third party verification was impossible to obtain.

Applicants and program participants must provide true and complete information to the Housing Authority whenever information is requested. The Housing Authority's verification requirements are designed to maintain program integrity. This Chapter explains the Housing Authority's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The Housing Authority 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 Housing Authority will verify information through the four methods of verification acceptable to HUD in the following order:

1. Third-Party Written

2. Review of Documents

3. Third-Party Oral

4. Notarized Statement

The Housing Authority will allow 2 weeks for return of third-party verifications and 1 week to obtain other types of verifications before going to the next method. The Housing Authority 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 Housing Choice Voucher issuance. For participants, 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 verification forms will not be hand carried by the family under any circumstances.

The Housing Authority will only accept verifications in the form of computerized printouts delivered by the family from the following agencies:

?? Social Security Administration

?? Veterans Administration

?? Welfare Assistance

?? Unemployment Compensation Board

?? City or County Courts

Third-Party Oral Verification

Oral third-party verification will be used when written third party verification is delayed or review of documents is 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 Housing Authority will compare the information to any documents provided by the Family. If provided by telephone, the Housing Authority must originate the call.

Review of Documents

In the event that third-party written is unavailable, or the information has not been verified by the third party within 2 weeks, the Housing Authority will annotate 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 Housing Authority will accept the following documents from the family provided that the document is such that tampering would be easily noted:

?? Computer printouts from the employer

?? Signed letters (provided that the information is confirmed by phone)

The Housing Authority will accept faxed documents that come directly from the third-party.

The Housing Authority will not accept photocopies, originals must be brought and the Housing Authority staff will make the copies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the Housing Authority will utilize the third party verification and investigate the case for fraud.

The Housing Authority will not delay the processing of an application beyond 3 weeks because a third party information provider does not return the verification in a timely manner.

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]

Adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act form.

In addition, family members 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.

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 Housing Authority or HUD.

C. COMPUTER MATCHING

Where allowed by HUD and/or other State or local agencies, computer matching will be done.

D. ITEMS TO BE VERIFIED

The following items will be verified:

✍ All income.

✍ Zero-income status of the household.

✍ Zero income applicants and residents will be required to complete a family expense form at each

certification or recertification interview. Recertifications may be done as often as quarterly to insure that the family's income has not changed.

- 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 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 allows an adult family member to be employed.
- Legal Identity, valid driver's license, including birth certificates, naturalization documents.
- U.S. citizenship/eligible immigrant status.
- Social Security Numbers for all family members 6 years of age or older.
- Preference status, based upon Housing Authority preferences.
- Familial/Marital status when needed for head or spouse definition.
- Disability for determination of preferences, allowances or deductions.

E. VERIFICATION OF INCOME

This section defines the methods the Housing Authority will use to verify various types of income. Whenever "in this order" is used in this chapter, the Housing Authority will request and utilize verifications, if available, in the order specified.

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, in this order:

1. Employment verification form completed by the employer.

2. Check stubs or earning statements that indicate the employee's gross pay, frequency of pay or year to date earnings.

3. W-2 forms plus income tax return forms.

4. Self-certification or 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 Housing Authority 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, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification include, in this order:

1. Benefit verification form completed by agency providing the benefits

2. Computer report electronically obtained or in hard copy.

3. Award or benefit notification letters prepared by the providing agency.

4. Bank statements for direct deposits.

Unemployment Compensation

Acceptable methods of verification include, in this order:

1. Computer report electronically obtained or in hard copy, stating payment dates and amounts

2. Verification form completed by the unemployment compensation agency.

3. Payment Stubs

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

1. Housing Authority verification form completed by payment provider.

2. Computer-generated Notice of Action.

3. 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, in this order:

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

2. Copy of latest check and/or payment stubs from Court Trustee. Housing Authority must record the date, amount, and number of the check.

3. A notarized letter from the person paying the support.

?? Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

?? If payments are irregular, the family must provide one of the following:

?? 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.

?? A notarized affidavit from the family indicating the amount(s) received.

?? A welfare Notice of Action showing amounts received by the welfare agency for child support.

?? A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

In order to verify the net income from a business, the Housing Authority 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, in this order, include:

1. 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.

2. Audited or unaudited financial statement(s) of the business.

3. Credit report or loan application.

4. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.

5. The family's notarized statement as to net income realized from the business during previous years.

The Housing Authority may request the documentation identified in No. 4 above, regardless of the verification used.

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 family has filed a tax return, the family will be required to provide it.

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 Housing Authority will run a credit report if information is received that indicates 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, co-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.

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 Housing Authority 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 provided that the Housing Authority 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 recertification.

Net Rental Income from Property Owned by Family

Acceptable methods of verification include, in this order:

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.

4. Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

G. VERIFICATION OF ASSETS

Family Assets

The Housing Authority will require the information necessary to determine the current cash value of the family's assets, (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 assests 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 Housing Authority 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 or a 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. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME [24 CFR 982.516]

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, 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.

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 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.

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.

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. Housing Authority 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 Housing Authority will use mileage at the Housing Authority 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)]

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 [24 CFR 982.153(b)(15)]

Verification of Legal Identity

In order to prevent program abuse, the Housing Authority 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

?? School Records

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

Verification of guardianship is:

?? Court-ordered assignment

?? Affidavit of parent

?? Verification from social services agency

Evidence of an established family relationship:

?? Joint bank accounts or other shared financial transactions

?? Leases or other evidence of prior cohabitation

?? Credit reports showing relationship

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 Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the Housing Authority 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, driver's license, or lease or rental agreement, if available.

?? 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.

?? If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.

Verification of Change in Family Composition

The Housing Authority 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, rehabilitation specialist, or licensed social worker, using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status [24 CFR 5.508, 5.510,5.512, 5.514]

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 Housing Authority hearing is pending.

?? Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

?? Eligible Immigrants who were tenants and 62 or over on June 19, 1995, 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 Housing Authority verifies the status through the INS SAVE system. If this primary verification fails to verify status, the Housing Authority 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.

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/at the time of initial application. 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 Housing Authority does not supply the documents, the Housing Authority must conduct the determination.

Extensions of Time to Provide Documents

The Housing Authority will not 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.

The Housing Authority will 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.

Verification of Social Security Numbers [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members age 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 or 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 driver's license

?? Identification card issued by a Federal, State or local agency

?? Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)

?? An identification card issued by an employer or trade union

?? An identification card issued by a medical insurance company

?? Earnings statements or payroll stubs

?? Bank Statements

?? IRS Form 1099

?? Benefit award letters from government agencies

?? Retirement benefit letter

?? Life insurance policies

?? Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records

?? Verification of benefits or Social Security Number from Social Security Administration

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 Housing Authority.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the Housing Authority. The applicant/participant or family member will have an additional 30 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the Housing Authority may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance 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 physician.

J. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 5.410-5.430]

Local Preferences

1. **Working preference**: This preference is available for families with at least one ADULT member who has been employed for 12 months. The Housing Authority will require a statement from the employer. This preference is extended equally to an applicant whose head or spouse are age 62 or older or are receiving social security disability, supplemental security income disability benefits or any other payments based on an individual's inability to work.

2. **Educational/Training preference:** This preference is available for families who are graduates of or participants in educational or training programs designed to prepare the individual for the job market. The Housing Authority will require a statement from the agency or institution providing the education or training.

3. **Transitional Housing preference:** This preference is available for families who are participating in the city's homeless transitional housing program.

4. **Veteran preference:** This preference is available to current members of the U.S. Military Armed Forces, veterans, or surviving spouses of veterans. The Housing Authority will require U.S. government documents that indicate that the applicant qualifies under the above definition

Supportive Housing Program - Homeless Transitional Housing Assistance for Families

Preferences:

The following preferences only apply for families who apply to the Housing Authority's Supportive Housing Program – Homeless Transitional Housing Assistance for Families.

In addition to the above preferences, families who apply for this assistance may qualify for assistance under the following:

Involuntary Displacement Preference

1. Disaster or Government Action: Families who have been displaced due to either a disaster or government action and as a result have become homeless.

   Written verification from the displacing unit or agency of government or by the Red Cross will be required.

2. Owner/Landlord or Private Action: Families who have been evicted from the unit the family was renting, through no fault of their own, or the property they were purchasing was foreclosed and as a result they have become homeless.

   Written verification from the owner/landlord or written verification from the mortgage company or agent documents such as sales agreements or foreclosure notices.

3. Domestic Violence: Families who claim that they have been displaced due to domestic violence and as a result have become homeless:

   Written verification from police, social service agency, court and/or public or private facility giving shelter to the victims. Verifications must be obtained from the landlord or other source that the abuser still resides at the unit.

4 Other action: Any other action that caused the family it become homeless must be verified and the family's homelessness must be certified by the police, public agency personnel, including shelters.

Chapter 8

HOUSING CHOICE VOUCHER ISSUANCE AND BRIEFINGS

[24 CFR 982.301, 982.302]

INTRODUCTION

The Housing Authority 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 Housing Authority 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, Housing Authority procedures, and how to lease a unit. The family will also receive a briefing packet, which 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 HOUSING CHOICE VOUCHERS [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, the Housing Authority will issue Housing Choice Vouchers to applicants whose eligibility has been determined. The number of Housing Choice Vouchers issued must ensure that the Housing Authority stays as close as possible to 100 percent lease-up. The Housing Authority performs a monthly calculation electronically to determine whether applications can be processed, the number of Housing Choice Vouchers that can be issued, and to what extent the Housing Authority can over-issue (issue more Housing Choice Vouchers than the budget allows to achieve leaseup).

The Housing Authority may over-issue Housing Choice Vouchers only to the extent necessary to meet leasing goals. All Housing Choice Vouchers, which are over-issued, must be honored. If the Housing Authority finds it is over-leased, it must adjust future issuance of Housing Choice Vouchers 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. Families who attend group briefings and still have the need for individual assistance will be referred to Housing Administration Director.

Briefings will be conducted in English and Spanish.

The purpose of the briefing is to explain how the program works and the documents in the Housing Choice Voucher holder'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 Housing Authority will not issue a Housing Choice Voucher to a family unless the household representative has attended a briefing and signed the Housing Choice 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 2 scheduled briefings, without prior notification and approval of the Housing Authority, may be denied admission based on failure to supply information needed for certification. The Housing Authority may 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 packet for the Housing Choice Voucher program will comply with all HUD requirements. The Housing Authority also includes listings of available units.

The family is provided with the following information and materials

?? The term of the Housing Choice Voucher, and the Housing Authority policy for requesting extensions or suspensions of the Housing Choice Voucher (referred to as tolling).

?? A description of the method used to calculate the housing assistance payment for a family, including how the Housing Authority determines the payment standard for a family; how the Housing Authority determines total tenant payment for a family and information on the payment standard and utility allowance schedule. How the Housing Authority determines the maximum allowable rent for an assisted unit.

?? Where the family may lease a unit. For family that qualifies to lease a unit outside the Housing Authority jurisdiction under portability procedures, the information must include an explanation of how portability works.

?? The HUD required tenancy addendum, which must be included in the lease.

?? The Request for Approval of Tenancy form and a description of the procedure for requesting approval for a unit.

?? A statement of the Housing Authority policy on providing information about families to prospective owners.

?? The Housing Authority Subsidy Standards including when and how exceptions are made and how the Housing Choice Voucher size relates to the unit size selected.

?? The HUD brochure on how to select a unit and/or the HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS.

?? The HUD brochure on lead-based paint and information about where blood level testing is available.

?? Information on Federal, State and local equal opportunity laws and a copy of the housing discrimination complaint form. The Housing Authority will also include the pamphlet "Fair Housing: It's Your Right".

?? A list of landlords or other parties willing to lease to assisted families or help in the search and/or known units available for the Housing Choice Voucher issued. The list includes landlords or other parties who are willing to lease units or help families find units outside areas of poverty or minority concentration.

?? If the family includes a person with disabilities, notice that the Housing Authority may provide a list of available accessible units known to the Housing Authority.

?? The Family Obligations under the program.

?? The grounds on which the Housing Authority may terminate assistance for a participant family because of family action or failure to act.

?? Housing Authority informal hearing procedures including when the Housing Authority is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.

?? Information packet including an explanation of how portability works, including a list of neighboring housing agencies with the name, address and telephone number of a portability contact person at each for use by families who move under portability.

?? A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families.

Information regarding the Housing Authority outreach program which assists families who are interested in, or experiencing difficulty in obtaining available housing units in areas outside of minority concentrated locations.

A list of properties or property management organizations that own or operate housing units outside areas of poverty or minority concentration. (required for Housing Authoritys in MSAs)

Procedures for notifying the Housing Authority and/or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.

?? Requirements for reporting changes between annual recertifications.

If the family includes a person with disabilities, the Housing Authority will ensure compliance with CFR 8.6 to ensure effective communication.

Move Briefing

A move briefing will be held for participants who will be reissued a Housing Choice Voucher to move or have given notice of intent to vacate to their landlord. This briefing includes incoming and outgoing portable families.

The head of household must sign a certification that they were briefed on the procedures for moving.

Signature Briefing

All new owners will be required to attend a signature briefing with the family head at the office to execute contracts and leases. Other owners will be encouraged to attend signature briefings to reduce future conflict between the owner and tenant. The Housing Authority will provide details on the program rules and relationships and responsibilities of all 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 Housing Authority will provide assistance to families who wish to do so.

The Housing Authority will investigate and analyze when Housing Choice Voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

The assistance provided to such families includes:

?? Providing families with a search record form to gather and record info.

?? Direct contact with landlords.

?? Counseling with the family.

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

The Housing Authority will give participants a copy of HUD form 903 to file a complaint.

E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

Leases Effective Prior to October 2, 1995

The amount of Security Deposit, which could have been collected by owners under contracts effective prior to October 2, 1995, is:

?? Under the premerger Certificate Program, the owner could have collected a Security Deposit in an amount not to exceed Total Tenant Payment or $50.00, whichever is greater, for non-lease-in-place families.

?? For the premerger Housing Choice Voucher Program, the owner, at his/her discretion, could have collected a Security Deposit in an amount not to exceed (Housing Authority policy):

?? The greater of 30% of adjusted monthly income.

Leases Effective on or after October 2, 1995

The owner is not required to but may collect a (one) security deposit from the tenant.

Security deposits charged to families may be any amount the owner wishes to charge, subject to the following conditions:

?? 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 HOUSING CHOICE VOUCHER [24 CFR 982.303, 982.54(d)(11)]

During the briefing session, each household will be issued a Housing Choice Voucher, which represents a contractual agreement between the Housing Authority and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program, which occurs when the lease and contract become effective.

Expirations

The Housing Choice Voucher is valid for a period of at least sixty calendar days from the date of issuance. The family must submit a Request for Approval of the Tenancy and Lease within the sixty-day period unless an extension has been granted by the Housing Authority.

If the Housing Choice Voucher has expired, and has not been extended by the Housing Authority or expires after an extension, the family will be denied assistance. The family will not be entitled to a review

or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

Suspensions

When a Request for Approval of Tenancy is received, the Housing Authority will deduct the number of days required to process the request from the 60 day term of the Housing Choice Voucher.

Extensions

The Housing Authority will extend the term up to 120 days from the beginning of the initial term if the family needs and request an extension as a reasonable accommodation to make the program accessible to and usable by a family member with a disability. If as a reasonable accommodation, the family needs an extension in excess of 120 days, the Housing Authority will request such approval from the HUD field office.

A family may request a written request for an extension of the Housing Choice Voucher time period. All requests for extensions must be received prior to the expiration date of the Housing Choice Voucher.

Extensions are permissible at the discretion of the Housing Authority up to a maximum of an additional 60 days primarily for these reasons:

?? Extenuating circumstances such as hospitalization or a family emergency for an extended period of time, which has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.

?? The Housing Authority is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the Housing Authority, throughout the initial sixty-day period. A completed search record is required.

?? The family was prevented from finding a unit due to disability accessibility requirements or large size 1 bedroom unit requirement. The Search Record is part of the required verification.

The Housing Authority extends in one or more increments. Unless approved by the Executive Director, no more than 2 extensions of 30 days or less will be granted and never for a total of more than an additional sixty days.

Assistance to Housing Choice Voucher Holders

Families who require additional assistance during their search may call the Housing Authority Office to request assistance. Housing Choice Voucher holders will be notified at their briefing session that the Housing Authority periodically updates the listing of available units and how the updated list may be obtained.

The Housing Authority will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

After the first 15 days of the search, the family is required to maintain a search record and report to the Housing Authority every 5 working days.

G. HOUSING CHOICE 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 Housing Administration Director, Executive Director or his/her designee shall consider the following factors to determine which of the families will continue to be assisted:

?? Which of the two new family units has custody of dependent children.

?? Which family member was the head of household when the Housing Choice Voucher was initially issued (listed on the initial application).

?? The composition of the new family units, and which unit contains elderly or disabled members.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the Housing Authority will terminate assistance on the basis of failure to provide information necessary for a recertification.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF HOUSING CHOICE VOUCHER [24 CFR 982.315]

To be considered the remaining member of the tenant family, the person must have been previously approved by the Housing Authority 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 Housing Authority 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 Housing Choice Voucher family unit size.

CHAPTER 9

REQUEST FOR APPROVAL OF TENANCY AND CONTRACT EXECUTION

[24 CFR 982.302]

INTRODUCTION

[24 CFR 982.305(a)]

The Housing Authority'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 Housing Authority'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 Housing Choice Voucher, they may search for a unit anywhere within the jurisdiction of the Housing Authority or outside of the Housing Authority's jurisdiction if they qualify for portability. 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 Housing Authority. This Chapter defines the types of eligible housing, the Housing Authority's policies, which pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests For Approval of Tenancy (RFAT).

A. REQUEST FOR APPROVAL OF TENANCY [24 CFR 982.302, 982.305(b)]

The Request for Approval of Tenancy (RFAT) and a copy of the proposed Lease, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the Housing Choice Voucher. The family must submit the Request for Approval of Tenancy in the form and manner required by the Housing Authority.

The Request for Approval of Tenancy must be signed by both the owner and Housing Choice Voucher holder.

The Housing Authority will not permit the family to submit more than one RFAT at a time.

The Housing Authority will review the proposed lease and the Request for Approval of Tenancy documents to determine whether or not they are approvable. The Request will be approved if:

?? The unit is an eligible type of housing

?? The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)

?? The rent is reasonable

?? The Security Deposit is approvable in accordance with any limitations in this plan.

?? The proposed lease complies with HUD and Housing Authority requirements (See "Lease Review" section below).

The owner is approvable, and there are no conflicts of interest (See "Owner Disapproval" section below). In addition to the above, at the time a family initially receives assistance (new admissions and moves), the family share of rent may not exceed 40 percent of the family monthly adjusted income (See "Owner Rents, Rent Reasonableness and Payment Standards" chapter of this Administrative Plan).

Disapproval of RFAT

If the Housing Authority determines the Request cannot be approved for any reason, the landlord and the family will be notified in writing. The Housing Authority will instruct the owner and family of the steps Housing Authority are necessary to approve the Request.

The owner will be given 5 calendar days to submit an approvable RFAT from the date of disapproval.

When, for any reason, an RFAT is not approved, the Housing Authority will furnish another RFAT form to the family along with the notice of disapproval so Housing Authority the family can continue to search for eligible housing.

B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.353, 982.54(d)(15)]

The Housing Authority will approve any of the following types of housing in the Housing Choice Voucher program:

?? Single dwelling units.

?? Apartments.

?? Townhouses.

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.

The Housing Authority may not permit a Housing Choice Voucher holder to lease a unit, which is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

C. LEASE REVIEW [24 CFR 982.308]

The Housing Authority will review the lease, particularly noting the approvability of optional changes and compliance with regulations and State and local law. The tenant also must have legal capacity to enter a lease under State and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the Request For Approval of Tenancy.

The family and owner must submit a standard form lease used in the locality by the owner and Housing Authority is generally used for other unassisted tenants in the premises. The terms and conditions of the lease must be consistent with State and local law. The lease must specify what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family. The HUD prescribed tenancy addendum must be included in the lease word-for-word before the lease is executed.

House Rules of the owner may be attached to the lease as an addendum, provided they are approved by the Housing Authority to ensure they do not violate any fair housing provisions and do not conflict with the tenancy addendum.

Actions Before Lease Term

All of the following must always be completed before the beginning of the initial term of the lease for a unit:

?? The Housing Authority has inspected the unit and has determined that the unit satisfies the HQS;

?? The landlord and the tenant have executed the lease, including the HUD-prescribed tenancy addendum;

?? The Housing Authority has approved leasing of the unit in accordance with program requirements

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.

The family 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.

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items are not included in the lease if the agreement is in writing and approved by the Housing Authority.

Any appliances, services or other items, which 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.

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 Housing Authority. If agreements are entered into at a later date, they must be approved by the Housing Authority and attached to the lease.

The Housing Authority 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 "Housing Quality Standards and Inspections" chapter of this Administrative Plan.

F. RENT LIMITATIONS [24 CFR 982.503]

The Housing Authority will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises.

G. 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 Housing Authority will negotiate with the owner to reduce the rent to a reasonable rent.

?? At the family's request, the Housing Authority will negotiate with the owner to reduce the rent or include some or all of the utilities in the rent to owner.

If the rent can be approved after negotiations with the owner, the Housing Authority will continue processing the Request for Approval of Tenancy and Lease. If the revised rent involves a change in the provision of utilities, a new Request for Approval of Tenancy must be submitted by the owner.

If the owner does not agree on the Rent to Owner after the Housing Authority has tried and failed to negotiate a revised rent, the Housing Authority will inform the family and owner Housing Authority the lease is disapproved.

H. INFORMATION TO OWNERS [24 CFR 982.307(b), 982.54(d)(7)]

In accordance with HUD requirements, the Housing Authority will furnish prospective owners who request the family's address information in writing from the Housing Authority with the family's current address as shown in the Housing Authority's records and, if known to the Housing Authority, the name and address of the landlord at the family's current and prior address.

The Housing Authority will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The Housing Authority will inform owners 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, payment of utility bills, eviction history, respecting the rights of other residents, damage to units, drug-related criminal activity or other criminal activity is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

A statement of the Housing Authority's policy on release of information to prospective landlords will be included in the briefing packet, which is provided to the family.

The Housing Authority will not provide documented information regarding tenancy history.

The Housing Authority's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

I. OWNER DISAPPROVAL [24 CFR 982.306]

See Chapter on "Owner Disapproval and Restriction."

J. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports Housing Authority in factors Housing Authority will affect the Total Family Share prior to the effective date of the HAP contract at admission, the information will be verified and the Total Family Share will be recalculated. If the family does not report any change, the Housing Authority need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

K. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

The Housing Authority prepares the Housing Assistance Contract and lease for execution. The family and the owner will execute the Lease agreement, and the owner and the Housing Authority will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents. The Housing Authority will retain a copy of all signed documents.

The Housing Authority 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 following Housing Authority representative(s) is/are authorized to execute a contract on behalf of the Housing Authority: Housing Specialist, Housing Manager and Housing Administration Director.

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 and a copy of their Driver's License or other photo identification.

Owners must also submit proof of ownership of the property, such as a Grant Deed or Tax Bill, and a copy of the Management Agreement if the property is managed by a management agent.

The owner must provide a home telephone number and business number if applicable.

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 Housing Authority will waive this restriction as a reasonable accommodation for a family member who is a person with a disability and the unit has been equipped for the person's disability.

L. CHANGE IN OWNERSHIP

See "Owner Disapproval and Restriction" chapter.

CHAPTER 10
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 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 Housing Authority contract.

The Housing Authority will inspect each unit under contract at least annually. The Housing Authority will also have the Housing Administration Director or the Maintenance Director perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the Housing Authority's required standards and to assure consistency in the Housing Authority's program. This Chapter describes the Housing Authority's procedures for performing HQS and other types of inspections, and Housing Authority 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 Housing Authority requirements. (See the additions to HQS listed under "Acceptability Criteria and Exceptions to HQS" later in this chapter.)

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

All units must meet the minimum standards set forth in the City of Calexico Building/Housing Code. In cases of inconsistency between the Code and these HQS, the stricter of the two shall prevail.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. The Housing Authority will not promote any additional acceptability criteria, which is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

?? All utilities must be in service prior to the effective date of the contract. The tenant and the owner will both certify that the utilities are on.

?? If the tenant is responsible for supplying the stove and/or the refrigerator, the Housing Authority will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS. The family must then certify that the appliances are in the unit and working. The Housing Authority will not conduct a reinspection.

There are five types of inspections the Housing Authority will perform:

1. Initial/Move-in: Conducted upon receipt of Request for Approval of Tenancy.

2. Annual: Must be conducted within twelve months of the last annual inspection.

3. Move-Out/Vacate

4. Special/Complaint: At request of owner, family or an agency or third party.

5. Quality Control

INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Timely Initial HQS Inspection

The Housing Authority will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within 5 working days after the family and the owner have submitted a request for approval of tenancy.

The same 5-day clock will be suspended during any period when the unit is not available for inspection.

The Housing Authority will include the "date the unit is available for inspection" on the RFAT form. This date will determine whether the Housing Authority will be required to meet the same 5-day period because the unit is not available for inspection until after the same 5-day period.

For file audit purposes, the Housing Authority will note in each tenant file, the date on which the unit first became available for inspection according to the information obtained from the **RFAT.**

C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

The Housing Authority conducts an inspection in accordance with Housing Quality Standards at least annually, 60-90 days prior to the last annual inspection, so that the inspections are conducted at least annually, as required by SEMAP. Special inspections may be scheduled between anniversary dates.

HQS deficiencies, which cause a unit to fail, must be corrected by the landlord unless it is a fail for which the tenant is responsible.

The family must allow the Housing Authority 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 7: 00 a.m. and 4:00 p.m.

The Housing Authority will notify the family in writing or by phone at least 3 days prior to the inspection.

Inspection: The family and owner are notified of the date and the window of hours to conduct 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 5 working days.

If the family does not contact the Housing Authority to reschedule the inspection, or if the family misses 2 inspection appointments, the Housing Authority 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. The family will be allowed to miss 1 appointment without violating a family obligation.

Reinspection: The family and owner are provided 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 letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family.

The family is also notified that it is a Family Obligation to allow the Housing Authority to inspect the unit. If the family was responsible for a breach of HQS identified in the "Denial or Termination of Assistance" chapter of this Administrative Plan, they will be advised of their responsibility to correct.

Time Standards for Repairs

Emergency items which endanger the family's health or safety must be corrected by the owner within 24 hours of notification. (See Emergency Repair Items section.)

For non-emergency items, repairs must be made within 30 days.

For major repairs, the Housing Administration Director may approve an extension beyond 30 days.

Rent Increases

Rent to owner increases may not be approved if the unit is in a failed condition.

D. MOVE OUT/VACATE

A move out inspection will be performed for all tenants moving out of a unit.

E. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

If at any time the family or owner notifies the Housing Authority that the unit does not meet Housing Quality Standards, the Housing Authority will conduct an inspection.

The Housing Authority may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The Housing Authority will inspect only the items which 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.

F. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control inspections will be performed by the Housing Administration Director or the Maintenance Director on the number of files required by SEMAP. 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.

The sampling of files will include recently completed inspections (within the prior 3 months), a cross-section of neighborhoods, and a cross-section of inspectors.

G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401 (a)]

The Housing Authority adheres to the acceptability criteria in the program regulations and local codes with the additions described below.

Local Codes [24 CFR 982.401(a)(4)]

Additions

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.

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.

Window screens must be in good condition. (Applies only if screens are present)

Any room for sleeping must have a window big enough for an adult to exit in case of an emergency.

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).

All floors should have some type of baseshoe, trim, or sealing for a "finished look.". Vinyl baseshoe may be used for kitchens and bathrooms.

Sinks:

All sinks and commode water lines must have shut off valves, unless faucets are wall mounted.

All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

All sinks must have functioning stoppers.

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. Tenants will be instructed not to tamper with smoke detectors or remove batteries.

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 building codes.

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. Housing Authority will allow execution of the Housing Authority contract if unit meets all requirements and the modifications do not affect the livability of the unit.

H. EMERGENCY REPAIR ITEMS [24 CFR 982.401(a)]

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the Inspector:

?? 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 45 degrees Fahrenheit and temperature inside unit is below 50 degrees Fahrenheit.

?? 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 when there is only one in the unit.

?? Air conditioner is not operable during the months of May – November.

The Housing Authority may give a short extension (not more than 12 hours 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 Housing Authority.

If the emergency repair item(s) are not corrected in the time period required by the Housing Authority, 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 Housing Authority, and it is an HQS breach, which is a family obligation, the Housing Authority will terminate the assistance to the family.

Smoke Detectors

Inoperable smoke detectors are a serious health threat and will be treated by the Housing Authority as an emergency (24 hour) fail item.

If the smoke detector is not operating properly the Housing Authority will contact the owner by phone and request the owner to repair the smoke detector within 24 hours. The Housing Authority will reinspect the unit the following day.

If the Housing Authority 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 Housing Authority will reinspect the unit the following day.

The Housing Authority 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.

I. 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, and the owner is responsible for completing the necessary repair(s) in the time period specified by the Housing Authority, the assistance payment to the owner will be abated.

Abatement

A Notice of Abatement will be sent to the owner, and the abatement will be effective from the day after the date of the failed inspection. The notice will indicate that payment will be abated until all the repairs are completed.

The Housing Authority will inspect abated units within 3 days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

The family will be notified of the reinspection date and requested to inform the owner.

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 Housing Authority's portion of rent that is abated.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by the Housing Authority if the tenant chooses to remain in the unit. Only one Housing Quality Standards inspection will be conducted after the termination notice is issued.

J. 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

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 Housing Authority may terminate the family's assistance on that basis.

K. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the Housing Authority will require the family make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are not made in this time period, the Housing Authority will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases must be approved by Housing Administration Director. The owner's rent will not be abated for items, which 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 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

[24 CFR 982.505, 982.503, 982.504, 982.505]]

INTRODUCTION

The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the "merger date". These amendments complete the merging of the Section 8 Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.

In accordance with the regulations, for those Section 8 participant families where there is a Housing Authority Contract in effect entered into prior to October 1, 1999, the Housing Authority will continue to uphold the rent calculation methods of the premerger Regular Certificate, OFTO, and Voucher tenancies until the 2nd regular reexamination of family income and composition following the "merger date". However, all new leases, moves and new admissions taking effect on or after October 1, 1999 will be subject to the regulations of the new Housing Choice Voucher Program.

The Housing Authority will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the Housing Authority's responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparables in the rental market, using the criteria specified in 24 CFR 982.507(b).

This Chapter explains the Housing Authority's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM

The Rent to Owner is limited only by rent reasonableness. The Housing Authority must demonstrate that the Rent to Owner is reasonable in comparison to rent for other comparable unassisted units.

The only other limitation on rent to owner is the maximum rent standard at initial occupancy (24 CFR 982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, the family share may not exceed 40 percent of the family's monthly adjusted income.

During the initial term of the lease, the owner may not raise the rent to owner.

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the Housing Authority Contract is executed, the Housing Authority begins processing payments to the landlord. 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 are disbursed by the Accounting Department to the owner each month. Checks may be picked up by owner at the Housing Authority.

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.

Checks will not be sent to a bank, only to the landlord, manager or Real Estate Co., by endorsing the check the responsible party certifies that the tenant still resides in the unit

Excess Payments

The total of rent paid by the tenant plus the Housing Authority housing assistance payment to the owner may not be more than the rent to owner. The owner must immediately return any excess payment to the Housing Authority within 5 calendar days.

Owners who do not return excess payments will be subject to penalties as outlined in the "Owner or Family Debts to the Housing Authority" chapter of this Administrative Plan.

Proof of “Mailed to” date will be:

The envelope will be date stamped by the Housing Authority.

Proof of “Received by Owner” will be:

5 calendar days after date of mailing by Housing Authority

The Housing Authority will not use any program funds for the payment of late fee penalties to the owner.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

The Housing Authority will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market. This applies to all programs.

The Housing Authority will not approve a lease until the Housing Authority determines that the initial rent to owner is a reasonable rent. The Housing Authority must redetermine the reasonable rent before any increase in the rent to owner, and if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

The Housing Authority must redetermine rent reasonableness if directed by HUD and based on a need identified by the Housing Authority's auditing system. The Housing Authority may elect to redetermine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or redetermined by the Housing Authority

The owner will be advised that by accepting each monthly housing assistance payment s/he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the Housing Authority information on rents charged by the owner for other units in the premises or elsewhere. The data for other unassisted units will be gathered from newspapers, Realtors, inquiries of owners.

The market areas for rent reasonableness are neighborhoods within the Housing Authority'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:

- ?? Size (number of Bedrooms/square footage)
- ?? Location
- ?? Quality
- ?? Amenities (bathrooms, dishwasher, air conditioning, etc.)
- ?? Housing Services
- ?? Age of unit
- ?? Unit Type
- ?? Maintenance
- ?? Utilities

Rent Reasonableness Methodology

The Housing Authority uses a "standard deviation" method and uses automation to identify the average rent for units of like size and type within the same market area. The average is adjusted up or down based on the dollar value of all HUD required comparable items.

The Housing Authority maintains an automated database and/or notebook which includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than 36 months old.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulation and at the Housing Authority's discretion, the Voucher Payment Standard amount is set by the Housing Authority between 90 percent and 110 percent of the HUD published FMR. This is considered the basic range. The Housing Authority reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the Housing Authority will ensure that the Payment Standard is always within the range of 90 percent to 110 percent of the new FMR, unless an exception payment standard has been approved by HUD.

The Housing Authority will establish a single voucher payment standard amount for each FMR area in the Housing Authority jurisdiction. For each FMR area, the Housing Authority will establish payment standard amounts for each "unit size". The Housing Authority may have a higher payment standard within the Housing Authority's jurisdiction if needed to expand housing opportunities outside areas of minority or poverty concentration, as long as the payment standard is within the 90-110% of FMR range.

The Housing Authority may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents affordable. The Housing Authority will not raise Payment Standards solely to make "high end" units available to Voucher holders. The Housing Authority 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

If it is determined that particular unit sizes in the Housing Authority's jurisdiction have payment standard amounts that are creating rent burdens for families, the Housing Authority may modify its payment standards for those particular unit sizes.

Quality of Units Selected

The Housing Authority will review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

Housing Authority Decision Point

The Housing Authority will review the average percent of income that families on the program are paying for rent. If more than 40% of families are paying more than 30% of monthly adjusted income for a particular unit size, the Housing Authority will determine whether families are renting units larger than

their voucher size, and whether families are renting units which exceed HUD's HQS and any additional standards added by the Housing Authority in this Administrative Plan.

If families are paying more than 30% of their income for rent due to the selection of larger bedroom size units or luxury units, the Housing Authority may decline to increase the payment standard. If these are not the primary factors for families paying higher rents, the Housing Authority will continue increasing the payment standard.

Rent to Owner Increases

The Housing Authority may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Time to Locate Housing

The Housing Authority may consider the average time period for families to lease up under the Housing Choice Voucher program. If more than 10% of Housing Choice Voucher holders are unable to locate suitable housing within the term of the Housing Choice Voucher and the Housing Authority determines that this is due to 10%of rents in the jurisdiction being unaffordable for families even with the presence of a Housing Choice Voucher the Payment Standard may be adjusted.

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 Housing Authority may review the budget to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the Housing Authority 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 Housing Authority for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

F. EXCEPTION PAYMENT STANDARDS

If the dwelling unit is located in an exception area, the Housing Authority must use the appropriate payment standard amount established by the Housing Authority for the exception area in accordance with regulation 24 CFR 982.503.

G. OWNER PAYMENT IN THE PREMERGER REGULAR CERTIFICATE PROGRAM [24 CFR 982.502(d)]

The HUD regulations relating to owner rent adjustments applicable to the Regular Tenancy Program will be used until the Housing Authority Contract is no longer effective which will be no later than the second regular reexamination of the family after the merger date. Here is where we insert information about the Rent Adjustments for these contracts.

The Housing Authority will notify owners of their right to request a rent adjustment.

Owners must request the rent increase in writing on the form provided by the Housing Authority**.** Any increase will be effective on the anniversary date of the Contract.

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.

The notice of rent change does not affect the automatic renewal of the lease and does not require a new lease or contract or even an executed amendment.

For terminations of Premerger Regular Certificate Housing Authority, see "Contract Terminations" chapter.

CHAPTER 12

RECERTIFICATIONS

[24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, the Housing Authority 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 Housing Authority'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 three activities the Housing Authority must conduct on an annual basis.

- ?? Recertification of Income and Family Composition
- ?? HQS Inspection
- ?? Rent to Owner Adjustment (following HUD requirements Regular Tenancy Certificate only

The Housing Authority produces a monthly listing of units under contract to ensure that timely reviews of rent to owner, housing quality, and factors related to Total Tenant Payment/Family Share can be made. Requests for rent adjustments and other monetary changes will be transmitted to the Housing Department.

Reexamination of the family’s income and composition must be conducted at least annually.

Annual inspections: See "Housing Quality Standards and Inspections" chapter.

Rent Adjustments: See "Owner Rents, Rent Reasonableness and Payment Standards" chapter.

B. ANNUAL RECERTIFICATION/REEXAMINATION [24 CFR 982.516]

Families are required to be recertified at least annually. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status.

Pre-Merger Reexamination Issues

For all pre-merger tenancies the rent calculation methods will not change until the effective date of the second regular reexamination of family income and composition, following the merger date, unless the family moves or accepts a new lease from the owner.

If there has been an increase in the payment standard prior to the effective date of the first regular reexamination of a premerger Voucher or Over Fair Market Rent Tenancy Certificate following the merger date, the family will receive the benefit of the higher payment standard, provided there has not been a change in family size or composition that would require the Housing Authority to adjust the family unit size.

Moves Between Reexaminations

When families move to another dwelling unit:

An annual recertification will be scheduled and the anniversary date will be changed.

Income limits are not used as a test for continued eligibility at recertification.

Reexamination Notice to the Family

The Housing Authority will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least 90 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the Housing Authority will provide the notice in an accessible format. The Housing Authority 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 Housing Authority's procedure for conducting annual recertifications will be:

Schedule the date and time of appointments and mail a notification to the family and owner. The notification will include an Application of Continued Occupancy to be filed out before the family is interviewed.

Completion of Annual Recertification

The Housing Authority will have all recertifications for families completed before the anniversary date. This includes notifying the family of any changes in rent at least 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 Housing Authority'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 [24 CFR 982.516(f)]

The Housing Authority has established appropriate recertification procedures necessary to ensure that the income data provided by families is complete and accurate.

The Housing Authority will require the family to complete a Application for Continued Occupancy in their own handwriting, prior to all recertification interviews. The Housing Specialist or Housing Manager will review the information with the family and compare it to the previous Application for Continued Occupancy.

The head of household must sign the Application for Continued Occupancy. In the absence of the head of household the spouse will be eligible to sign.

Requirements to Attend

The following family members will be required to attend the recertification interview:

All adult household members.

If the head of household is unable to attend the interview:

The appointment will be rescheduled.

Failure to Respond to Notification to Recertify

The written notification must state which family members are required to attend the interview. The family may call to request another appointment date up to 3 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 Housing Authority, the Housing Authority will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the Housing Authority will:

?? Not schedule a third appointment and send family notice of termination.

Exceptions to these policies may be made by Housing Administration Director if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

Exceptions will be made only 1 time per every 3 years.

Documents Required From the Family

In the notification letter to the family, the Housing Authority will include instructions for the family to bring the following:

?? Documentation of all assets

?? Documentation of any deductions/allowances

?? Personal Declaration Form completed by head of household

Verification of Information

The Housing Authority will follow the verification procedures and guidelines described in this Plan. Verifications for reexaminations must be less than 120 days old.

Tenant Rent Increase

If tenant rent increases, a thirty day notice is mailed to the family prior to the scheduled effective date of the annual recertification.

If less than thirty days are remaining before the scheduled effective date of the annual recertification, the tenant rent increase will be effective on the first of the 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 scheduled effective date of the annual recertification.

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 Housing Authority.

C. REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report all changes in household composition to the Housing Authority between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain Housing Authority and owner 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 Housing Authority 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.

Interim Reexamination Policy

The Housing Authority will conduct interim reexaminations when families have an increase in income.

Families will be required to report all increases in income/assets within 10 days of the increase.

Families will be required to report increases in household income of more than $20.00 per month.

Decreases in Income

Participants may report a decrease in income and other changes, which would reduce the amount of tenant rent, such as an increase in allowances or deductions. The Housing Authority must calculate the change if a decrease in income is reported.

Housing Authority Errors

If the Housing Authority 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.

D. 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 income every 120 days.

If there is a change from benefit income to employment income, the Housing Authority will defer the family's rent increase for six months in order to encourage families to move to self -sufficiency.

?? This incentive will only be provided once to any family member.

?? If the family member leaves the job without good cause after six months and before twelve

months, the rent will be calculated retroactively to include the employment income.

?? This incentive is not provided to persons who work seasonally.

Any changes reported by participants 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.

E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The Housing Authority will not reduce the family share of rent for families whose welfare assistance is reduced specifically because of:

?? fraud; or

?? failure to participate in an economic self-sufficiency program; or

?? noncompliance with a work activities requirement

However, the Housing Authority 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

The Housing Authority will notify affected families that they have the right to an informal hearing regarding these requirements.

(See "Verification Procedures" chapter.)

Cooperation Agreements

The Housing Authority 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.

F. 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. The Housing Authority requires signatures. If the family disagrees with the rent adjustment, they may request an informal hearing.

G. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS) [24 CFR 982.516(c)]

Standard for Timely Reporting of Changes

The Housing Authority requires that families report interim changes to the Housing Authority within 10 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 10 days of the change.

An exception will be made for TANF recipients who obtain employment. In such cases, families will have to report within 10 days of receipt of the Notice of Action from TANF that shows the full adjustment for employment income.

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 Housing Authority 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 days' notice.

?? Decreases in the Tenant Rent are effective the first of the month following that in which the change is reported and the interim was requested. The family must pick up a Application for Continued Occupancy, which will be dated stamped when the appointment date was requested. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

The change may be implemented based on documentation provided by the family, pending third party written verification.

Procedures when the Change is Not Reported by the Family 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 or make a lump sum payment.

?? Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported and the interim was requested. The family must pick up a Application for Continued Occupancy, which will be dated stamped when the appointment date was requested.

Procedures when the Change is Not Processed by the Housing Authority 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 Housing Authority 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 Housing Authority.

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.

H. CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES [24 CFR 982.516(c)]

(See "Subsidy Standards" chapter.)

I. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.518]

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

?? The head of household or spouse is a U.S. citizen or has eligible immigrant status; AND

?? All members of the family other than the head, the spouse, parents of the head or the spouse, and children of the head or spouse are citizens or eligible immigrants. The family may change the head of household to qualify under this provision.

J. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any participant deliberately misrepresents the information on which eligibility or tenant rent is established, the Housing Authority may terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum.)

Chapter 13

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

[24 CFR 982.314, 982.353, 982.355(a)]

INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within the Housing Authority jurisdiction, or to a unit outside of the Housing Authority jurisdiction under Portability procedures. The regulations also allow the Housing Authority the discretion to develop policies, which define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of, the Housing Authority jurisdiction, and the policies for restriction and limitations on moves.

A. ALLOWABLE MOVES

A family may move to a new unit with continued assistance if:

?? The assisted lease for the old unit has terminated because the Housing Authority has terminated the Housing Authority contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.

?? 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 (unless assistance to the family will be terminated).

?? The family has given proper notice of lease termination (and if the family has a right to terminate the lease on notice to owner).

B. RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552(a)]

Families will not be permitted to move within the Housing Authority jurisdiction during the initial year of assisted occupancy.

Families will not be permitted to move outside the Housing Authority 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 Housing Authority will deny permission to move if there is insufficient funding for continued assistance.

The Housing Authority will deny permission to move if:

?? The family has violated a Family Obligation.

?? The family owes the Housing Authority money.

?? The family has moved or been issued a Housing Choice Voucher within the last twelve months.

The Housing Administration 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 Housing Choice Voucher

Subject to the restrictions on moves, if the family has not been recertified within the last 120 days, the Housing Authority will issue the Housing Choice Voucher to move on the first day on the month.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits. The approval of the owner, for the tenant to remain in the unit must be provided in writing to the Housing Authority at least 5 working days before the tenant's 30-day notice to vacate terminates.

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 Housing Authority proper written notice of any intent to move.

The family must give the owner a 30-day written notice of intent to vacate specified in the lease and must give a copy to the Housing Authority simultaneously which will be date stamped at the time it is provided to the Housing Authority.

For units under a Certificate Housing Authority contract effective before October 2, 1995, if the family vacates the unit without proper notice in writing to the owner, the family will be responsible for any vacancy loss paid by the Housing Authority.

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 not 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 Housing Authority jurisdiction within the United States and its territories.

E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355]

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based Housing Choice Housing Choice Voucher assistance to lease a unit outside the Housing Authority jurisdiction, anywhere in the United States, in the jurisdiction of a Housing Authority with a tenant-based program. When a family requests to move outside of the Housing Authority jurisdiction, the request must specify the area to which the family wants to move.

If there is more than one Housing Authority in the area in which the family has selected a unit, the Housing Authority may choose the receiving Housing Authority.

Restrictions on Portability

Applicants

If neither the head or spouse had a domicile (legal residence) in the Housing Authority jurisdiction at the date of their initial application for assistance, the family will not be permitted to exercise portability upon initial issuance of a Housing Choice Voucher, unless the Housing Authority approves such move. [NOTE: legal domicile is defined by local government.]

Upon initial issuance of a Housing Choice Voucher the family must be income eligible under the receiving Housing Authority income limits during the initial 12-month period after admission to the program.

Participants

After an applicant has leased-up in the jurisdiction of the initial housing agency, they cannot exercise portability during the first year of assisted occupancy, except in the following circumstances and if the owner agrees to terminate the contract.

?? The receiving and initial Housing Authority agree to allow the move.

?? The family's move relates to an opportunity for education, job training or employment of at least 12 months.

The Housing Authority will not permit families to exercise portability:

?? If the family is in violation of a family obligation.

?? If the family owes money to the Housing Authority.

?? If the family has moved out of it's assisted unit in violation of the lease.

Receiving Housing Authority will be required to submit hearing determinations to the Housing Authority within 30 days.

F. INCOMING PORTABILITY [24 CFR 982.354, 982.355]

Absorption or Administration

The Housing Authority will accept a family with a valid Housing Choice Voucher from another jurisdiction and administer or absorb the Housing Choice Voucher. If administering, the family will be issued a "Portable" Housing Choice Voucher by the Housing Authority. The term of the Housing Choice Voucher will not expire before the expiration date of any initial Housing Authority Housing Choice Voucher. The family must submit a request for approval of tenancy for an eligible unit to the receiving Housing Authority during the term of the receiving Housing Choice Voucher. The receiving Housing Authority may grant extensions in accordance with this Administrative Plan. However, if the Family decides not to lease-up in the Housing Authority jurisdiction, they must contact the initial Housing Authority to request an extension.

The Housing Authority may absorb all incoming portable families provided that there is funding available.

When the Housing Authority does not absorb the incoming Housing Choice Voucher, it will administer the Initial Housing Authority Housing Choice Voucher and the receiving Housing Authority policies will prevail.

For admission to the program a family must be income eligible in the area where the family initially leases a unit with assistance under the program.

The receiving Housing Authority does not redetermine eligibility for a portable family that was already receiving assistance in the initial Housing Authority Section 8 tenant-based program.

The Housing Authority will issue a "Portability Housing Choice Voucher" according to its own Subsidy Standards. If the Family has a change in family composition which would change the Housing Choice Voucher size, the Housing Authority will change to the proper size based on its own Subsidy Standards.

Income and Total Tenant Payment of Incoming Portables [982.353(d)]

As receiving Housing Authority, the Housing Authority will conduct a recertification interview.

If the Housing Authority conducts a recertification of the family it will not cause a delay in the issuance of a Housing Choice Voucher.

If the family's income is such that a $0 subsidy amount is determined prior to lease-up in the Housing Authority jurisdiction, the Housing Authority will refuse to enter into a contract on behalf of the family at $0 assistance.

Requests for Approval of Tenancy

A briefing will be mandatory for all portability families.

When the Family submits a Request for Tenancy Approval, it will be processed using the Housing Authority policies. If the Family does not submit a Request for Tenancy Approval or does not execute a lease, the Housing Authority will notify the Initial Housing Authority within 120 days.

If the Family leases up successfully, the Housing Authority will notify the Initial Housing Authority within 120 days, and the billing process will commence.

The Housing Authority will notify the initial Housing Authority if the family fails to submit a request for approval of tenancy for an eligible unit within the term of the Housing Choice Voucher.

If the Housing Authority denies assistance to the family, the Housing Authority will notify the Initial Housing Authority within 120 days and the family will be offered a review or hearing.

The Housing Authority will notify the Family of its responsibility to contact the Initial Housing Authority if the Family wishes to move outside the Housing Authority jurisdiction under continued portability.

Regular Program Functions

The Housing Authority will perform all program functions applicable the tenant-based assistance program, such as:

?? Annual reexaminations of family income and composition;

?? Annual inspection of the unit; and

?? Interim Examinations when requested or deemed necessary by the Housing Authority

Terminations

The Housing Authority will notify the Initial Housing Authority in writing of any termination of assistance within 30 days of the termination. If an Informal Hearing is required and requested by the Family, the hearing will be conducted by the Housing Authority, using the regular hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the Initial Housing Authority.

The Initial Housing Authority will be responsible for collecting amounts owed by the Family for claims paid and for monitoring repayment. If the Initial Housing Authority notifies the Housing Authority that the Family is in arrears or the Family has refused to sign a Payment Agreement, the Housing Authority will terminate assistance to the family.

Required Documents

As Receiving Housing Authority, the Housing Authority will require the documents listed on the HUD Portability Billing Form from the Initial Housing Authority.

Billing Procedures

As Receiving Housing Authority, the Housing Authority will bill the Initial Housing Authority quarterly for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be quarterly unless requested otherwise by the Initial Housing Authority and the Housing Authority is in agreement.

The Housing Authority will bill 100% of the Housing Assistance Payment, 100% of Special Claims and 80% of the Administrative Fee (at the Initial Housing Authority rate) for each "Portability" Housing Choice Voucher leased as of the first day of the month.

The Housing Authority will notify the Initial Housing Authority of changes in subsidy amounts and will expect the Initial Housing Authority to notify the Housing Authority of changes in the Administrative Fee amount to be billed.

CHAPTER 14

CONTRACT TERMINATIONS

[24 CFR 982.311, 982.314]

INTRODUCTION

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the Housing Authority, which defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the Housing Authority 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. The Contract between the owner and the Housing Authority may be terminated by the Housing Authority or by the owner or tenant terminating the lease.

The Housing Authority will make no future subsidy payments on behalf of the family to the owner after the month in which the Contract is terminated. The owner must reimburse the Housing Authority for any subsidies paid by the Housing Authority 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 Housing Authority for vacancy loss under the provisions of Certificate HAP contracts effective before October 2, 1995.

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)]

Family termination of the lease must be in accordance with the terms of the lease.

C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS [24 CFR 982.310, 982.455]

If the owner wishes to terminate the lease, the owner is required under the lease, to provide a 30-day notice as stated in the lease.

During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations.

During the term of the lease the owner may only evict for:

?? Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease;

?? Violations of federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or 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, or persons residing in the immediate vicinity of the premises or any drug-related criminal activity on or near the premises.

?? Other good cause.

During the initial term of the lease, the owner may not terminate the tenancy for “other good cause” unless the owner is terminating the tenancy because of something the family did or failed to do (see 982.310)

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 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.

The Housing Authority 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 Housing Authority's decision regarding 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 Housing Authority 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.

If the action is finalized in court, the owner must provide the Housing Authority with the documentation, including notice of the lockout date.

The Housing Authority 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 Housing Authority, 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 Housing Authority has no other grounds for termination of assistance, the Housing Authority may issue a new Housing Choice Voucher so that the family can move with continued assistance.

D. TERMINATION OF THE CONTRACT BY HOUSING AUTHORITY [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 Housing Authority terminates program assistance for the family, and when the owner has breached the HAP contract. (See "Owner Disapproval and Restriction" chapter)

The Housing Authority may also terminate the contract if:

?? The Housing Authority terminates assistance to the family.

?? The family is required to move from a unit when the subsidy is too big for the family size (pre-merger Certificate Program) or the unit does not meet the HQS space standards because of an increase in family size or a change in family composition (Certificate and Voucher Programs).

?? 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.

Termination of Premerger Certificate HAPS [24 CFR 982.502(d)

The Housing Authority must terminate program assistance under any outstanding HAP contract for a regular tenancy under the premerger certificate program at the effective date of the second regular reexamination of family income and composition on or after the merger date. At such termination of assistance, the HAP contract will automatically terminate. The Housing Authority will give the owner and family at least 120 days written notice of such termination. The Housing Authority will offer the family the opportunity for continued tenant-based assistance under the Housing Voucher program.

Any OFTO tenancy HAP contract entered into prior to the merger date will automatically be considered as a tenancy under the Voucher program. Such tenancies will be subject to the requirements of the voucher program, including calculation of the Housing Assistance Payment. However, as stated earlier in this section, premerger HAP calculations will remain applicable until the effective date of the second regular reexamination of family income and composition on or after the merger date.

Notice of Termination

When the Housing Authority terminates the HAP contract under the violation of HQS space standards, the Housing Authority will provide the owner and family written notice of termination of the contract, and the HAP contract terminates at the end of the calendar month that follows the calendar month in which the Housing Authority gives such notice to the owner.

CHAPTER 15
DENIAL OR TERMINATION OF ASSISTANCE

[24 CFR 982.552, 982.553]

INTRODUCTION

The Housing Authority may deny or terminate assistance for a family because of the family's action or failure to act. The Housing Authority will provide families with a written description of the Family Obligations under the program, the grounds under which the Housing Authority can deny or terminate assistance, and the Housing Authority informal hearing procedures. This Chapter describes when the Housing Authority is required to deny or terminate assistance, and the Housing Authority policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

A. GROUNDS FOR DENIAL/TERMINATION [24 CFR 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, the Housing Authority will delay the denial or termination in order to determine if there is an accommodation, which would negate the behavior resulting from the disability.

Form of Denial/Termination

Denial of assistance for an applicant may include any or all of the following:

?? Denial for placement on the Housing Authority waiting list

?? Denying a Housing Choice Voucher or withdrawing a certificate or voucher

?? Refusing to enter into a HAP contract or approve a tenancy

?? Refusing to process or provide assistance under portability procedures

Termination of assistance for a participant may include any or all of the following:

?? Refusing to enter into a HAP contract or approve a tenancy

?? Terminating housing assistance payments under an outstanding HAP contract

?? Refusing to process or provide assistance under portability procedures

Mandatory Denial and Termination [24 CFR 982.552(b) (10)(d)]

The Housing Authority must deny assistance to applicants, and terminate assistance for participants:

?? If any member of the family fails to sign and submit HUD or Housing Authority required consent forms for obtaining information.

?? If no member of the family is a U.S. citizen or eligible immigrant. (See Section D)

?? If the family is under contract and 180 days (or 12 months, depending on the HAP contract used) have elapsed since the Housing Authority last housing assistance payment was made. (See "Contract Terminations" chapter.)

The Housing Authority must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine in violation of any Federal or State law.

If any member of the family has been evicted from federally assisted housing for a serious violation of the lease, the Housing Authority must deny admission for 10 years after the eviction occurred.

The Housing Authority must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

The Housing Authority must deny admission to the program for an applicant or terminate program assistance for a participant if any member of the family fails to sign and submit consent forms for obtaining information in accordance with Part 5, subparts B and F.

The Housing Authority must deny admission or terminate assistance when required under the regulations to establish citizenship or eligible immigration status.

Grounds for Denial or Termination of Assistance [24 CFR 982.552(c)]

The Housing Authority will deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

?? The family violates any family obligation under the program as listed in 24 CFR 982.551.

?? Any member of the family has ever been evicted from public housing.

?? If any Housing Authority has ever terminated assistance under the program for any member of the family.

?? If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

?? The family currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

?? The family has not reimbursed any Housing Authority 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.

?? The family participating in an FSS program fails to comply, without good cause, with the family's FSS contract of participation.

?? If the family fails to fulfill its obligation under the Section 8 welfare-to-work voucher program.

?? The family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel.

?? "Abusive or violent behavior towards Housing Authority 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 intent to abuse or commit violence.

?? Actual physical abuse or violence will always be cause for termination.

?? Any member of the family whose drug or alcohol abuse interferes with the health, safety or peaceful enjoyment of other project residents. Crime by Family Member (See One Strike policy section below.)

?? If any member of the family commits drug-related criminal activity, or violent criminal activity. (See One-strike policy below and 982.553 of the regulations)

Refer to "Eligibility for Admission" chapter, "Other Criteria for Admission" section for further information

B. "ONE STRIKE" POLICY

Purpose

All federally assisted housing is 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 Housing Authority of the City of Calexico to fully endorse and implement a policy 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

?? Assist families in their vocational/educational goals in the pursuit of self-sufficiency

Administration

All screening and termination of assistance procedures shall be administered fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex or other legally protected groups.

Screening of Applicants

In an effort to prevent future drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by the Notice 96-27, the Housing Authority will endeavor to screen applicants as thoroughly and fairly as possible for drug-related and violent criminal behavior.

Such screening will apply to any member of the household who is 18 years of age or older.

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. Drug-related criminal activity means *on or near the* premises.

Violent criminal activity includes 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.

Standard for Violation

The Housing Authority will deny participation in the program to applicants and terminate assistance to participants in cases where the Housing Authority determines there is reasonable cause to believe that the person is illegally using a controlled substance or if the person abuses

alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the Housing Authority determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse.

The Housing Authority will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous 12 months.

"Engaged in or engaging in" violent criminal activity means any act within the past 10 years by applicants or participants, household members, or guests which involved criminal activity that has, as one of its elements, the use, attempted use, or threatened use of physical force against the person of another, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

The activity is being engaged in by any family member.

In evaluating evidence of negative past behavior, the Housing Authority will give fair consideration to the

seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

Drug Related and Violent Criminal Activity

Ineligibility if Evicted for Drug-Related Activity: 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 Section 8 program for a three-year period beginning on the date of such eviction.

Applicants will be denied assistance if they have been:

?? Arrested from a unit assisted under the Housing Act of 1937 due to violent criminal activity within the last 10 years prior to the date of the certification interview.

Participants will be terminated who have been:

?? Arrested or evicted from a unit assisted under the Housing Act of 1937 due to drug-related or violent criminal activity within the last 10 years prior to the date of the notice to terminate assistance, and whose activities have created a disturbance in the building or neighborhood.

?? If the family violates the lease for drug-related or violent criminal activity, the Housing Authority will terminate assistance.

The Housing Authority will waive the requirement regarding drug-related criminal activity if:

?? The circumstances leading to the eviction no longer exist.

Termination of Assistance for Participants

If the family violates the lease for drug-related or violent criminal activity, the Housing Authority will terminate assistance.

Notice of Termination of Assistance

In any case where the Housing Authority decides to terminate assistance to the family, the Housing Authority 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 Housing Authority.

The Housing Authority 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.

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 Housing Authority will pursue fact-finding efforts as needed to obtain credible evidence.

Confidentiality of Criminal Records

The Housing Authority 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.

All criminal reports, while needed, will be housed in a locked file with access limited to individuals responsible for screening and determining eligibility for initial and continued assistance and to upper level Section 8 management.

Misuse of the above information by any employee will be grounds for termination of employment.

The Housing Authority will document in the family's file the circumstances of the criminal report and the date the report was destroyed.

C. FAMILY OBLIGATIONS [24 CFR 982.551]

The family must supply any information that the Housing Authority 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 982.551). "Information" includes any requested certification, release or other documentation.

The family must supply any information requested by the Housing Authority or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

The family must disclose and verify Social Security Numbers (as provided by 24 CFR 5.216) and must sign and submit consent forms for obtaining information in accordance with 24 CFR 5.230.

All information supplied by the family must be true and complete.

The family is responsible for an HQS breach caused by the family as described in 982.404(b).

The family must allow the Housing Authority to inspect the unit at reasonable times and after reasonable notice.

The family may not commit any serious or repeated violations of the lease.

The family must notify the owner and the Housing Authority in writing by providing a 30-day Notice to Vacate, at the same time, before the family moves out of the unit or terminates the lease upon notice to the owner.

The family must promptly give the Housing Authority a copy of any owner eviction notice.

The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

The composition of the assisted family residing in the unit must be approved by the Housing Authority. The family must promptly inform the Housing Authority of the birth, adoption or court-awarded custody of a child. The family must request Housing Authority approval to add any other family member as an occupant of the unit.

The family must promptly notify the Housing Authority if any family member no longer resides in the unit.

If the Housing Authority has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or Housing Authority approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.

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.

The family must not sublease or let the unit.

The family must not assign the lease or transfer the unit.

The family must supply any information or certification requested by the Housing Authority to verify that the family is living in the unit, or relating to family absence from the unit, including any Housing Authority-requested information or certification on the purposes of family absences. The family must cooperate with the Housing Authority for this purpose. The family must promptly notify the Housing Authority of absence from the unit.

The family must not own or have any interest in the unit.

The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.

The members of the family may not engage in drug-related criminal activity or violent criminal activity. (See Housing Authority one strike policy).

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.

Housing Authority Discretion [24 CFR 982.552(c)]

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the Housing Authority has discretion to consider all of the circumstances in each case, including the seriousness of the case. The Housing Authority will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The Housing Authority may also review the family's more recent history and record of compliance, and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.

The Housing Authority 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 to act, will not reside in the unit. The Housing Authority may permit the other members of a family to continue in the program.

Enforcing Family Obligations

Explanations and Terms

The term "Promptly" when used with the Family Obligations always means "within 10 calendar 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 Housing Administration Director.

Lease Violations

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

?? If the owner terminates tenancy through court action for serious or repeated violation of the lease.

?? 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 Housing Authority determines that the cause is a serious or repeated violation of the lease based on available evidence.

?? 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

?? If there are police reports, neighborhood complaints or other third party information, that has been verified by the Housing Authority.

?? Nonpayment of rent is considered a serious violation of the lease.

Notification of Eviction

If the family requests assistance to move and they did not notify the Housing Authority of an eviction within 2 days of receiving the Notice of Lease Termination, the move will be denied.

Proposed Additions to the Family

The Housing Authority will 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 the Certificate or Voucher program.

?? Persons who commit drug-related criminal activity or violent criminal activity.

?? Persons who do not meet the Housing Authority's definition of family.

?? 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 Housing Authority or to another Housing Authority 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 Housing Authority personnel.

Family Member Moves Out

Families are required to notify the Housing Authority if any family member leaves the assisted household within 10 days.. When the family notifies the Housing Authority, they must furnish the following information:

?? Removal of Member from the Dwelling Lease

?? 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.

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, it will be considered a violation.

If the Housing Authority determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation.

If the Housing Authority determines the business is not legal, it will be considered a program 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, unless the family owns the mobile home and rents the pad under the Certificate Program.

Fraud

In each case, the Housing Authority will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members. In the event of false citizenship claims: (See section below)

D. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514, 5.516, 5.518]

Denial or Termination due to Ineligible Immigrant Status

Applicant or 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 Housing Authority must offer the family an opportunity for a hearing. (See"Eligibility for Admission" chapter, section on Citizenship/Eligible Immigration Status.) Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

False or Incomplete Information

When the Housing Authority 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 will be given an opportunity to present relevant information.

The Housing Authority will deny or terminate assistance based on the submission of false information or

misrepresentation.

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 Housing Authority either after the INS appeal or in lieu of the INS appeal.

After the Housing Authority 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).

E. ZERO ($0) ASSISTANCE TENANCIES

HAP Contracts Prior to 10/2/95

For contracts, which were effective prior to 10/2/95, the Housing Authority is liable for unpaid rent and damages if the family vacates during the allowable 12 months after the last HAP payment. The Housing Authority 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.

In order for a family to move to another unit during the 12 month, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

HAP Contracts On or After 10/2/95 [24 CFR 982.455 (a)]

For contracts effective on or after 10/2/95, the Housing Authority 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 timeframe, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the Housing Authority 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.

F. OPTION NOT TO TERMINATE FOR MISREPRESENTATION [24 CFR 982.551, 982.552(c)]

If the family has misrepresented any facts that caused the Housing Authority to overpay assistance, the Housing Authority 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 .The

total amount must be paid in full before the end of the fiscal year unless otherwise approved by the Executive Director or his/her designee.

G MISREPRESENTATION IN COLLUSION WITH OWNER [24 CFR 982.551, 982.552 (c)]

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, the Housing Authority will deny or terminate assistance.

In making this determination, the Housing Authority will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

H. 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 Housing Authority to fulfill its responsibilities. The Housing Authority schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allows the Housing Authority to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the Housing Authority, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the Housing Authority 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:

?? Eligibility for Admissions

?? Verification Procedures

?? Voucher Issuance and Briefings

?? Housing Quality Standards and Inspections

?? Recertifications

?? Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

?? Medical emergency

?? Incarceration

?? Family emergency

The Head of Household must provide proof in order for the missed appointment to be considered acceptable.

Procedure when Appointments are Missed or Information not Provided

For most purposes in this Plan, the family will be given 2 opportunities before being issued a notice of termination or denial 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 16
OWNER DISAPPROVAL AND RESTRICTION

[24 CFR 982.54, 982.306, 982.453]

INTRODUCTION

It is the policy of the Housing Authority to recruit owners to participate in the Housing Choice Voucher Program. The Housing Authority will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the Housing Authority. The regulations define when the Housing Authority must disallow an owner participation in the program, and they provide the Housing Authority 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 Housing Authority will disapprove the owner for the following reasons:

?? HUD or other agency directly related has informed the Housing Authority that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

?? HUD has informed the Housing Authority 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 Housing Authority that a court or administrative agency has determined that the has owner violated the Fair Housing Act or other federal equal opportunity requirements.

?? Unless their lease was effective prior to June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. The Housing Authority may waive this restriction as a reasonable accommodation for a family member who is a person with a disability and the unit has been equipped to assist the person with their disability.

?? In cases where the owner and tenant bear the same last name, the Housing Authority may, at its discretion, require the family and or owner to certify whether they are related to each other in any way.

?? 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-related criminal activity or any violent criminal activity.

?? 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 a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

?? Threatens the right to peaceful enjoyment of the premises by other residents;

?? Threatens the health or safety of other residents, of employees of the Housing Authority, or of owner employees or other persons engaged in management of the housing.

?? Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or

?? Is drug-related criminal activity or violent criminal activity;

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 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the Housing Authority will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The Housing Authority may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner the Housing Authority 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. CHANGE IN OWNERSHIP

A change in ownership does require execution of a new contract and lease.

The Housing Authority may approve the assignment of the HAP contract with the new owner. The Housing Authority may deny approval of assignment of the contract, for any of the reasons listed in Section A. of this chapter.

The Housing Authority 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, recorded deed and the Employee Identification Number or Social Security number of the new owner.

If the new owner does not want an assignment of the contract, the Housing Authority will terminate the HAP contract with the old owner, since they are no longer the owner. The new owner may offer the family a new assisted lease. The family may elect to enter into the new lease or move to another unit.

CHAPTER 17
CLAIMS, MOVE-OUT AND CLOSE-OUT INSPECTIONS

(For HAP Contracts Effective Before October 2, 1995)

INTRODUCTION

This Chapter describes the Housing Authority's policies, procedures and standards for servicing HAP Contracts, which were effective before October 2, 1995. Certificate and Voucher contracts in this category have provisions for the Housing Authority's liability to owners when families move out. Vouchers and Certificates have a provision for damages, and Certificates, in addition, have a provision for vacancy loss.

A. OWNER CLAIMS

Under HAP Contracts effective prior to October 2, 1995, owners may make "special claims" for damages, unpaid rent, and vacancy loss (vacancy loss cannot be claimed in the Voucher Program) after the tenant has vacated the unit.

Owner claims for payment for unpaid rent, damages, or vacancy loss will be reviewed for accuracy and completeness and compared with records in the file. The Housing Authority establishes standards by which to evaluate claims, but the burden of proof rests with the owner.

If vacancy loss is claimed, the Housing Authority will ascertain whether or not the family gave proper notice of its intent to move. The file will also be reviewed to verify owner compliance at the time the contract was terminated.

The Housing Authority will pay properly filed claims to the owner as a function of the contract, but the tenant is ultimately responsible to reimburse the Housing Authority for claims paid to the owner.

B. UNPAID RENT

Unpaid rent only applies to the tenant's portion of rent while the tenant is in residence under the assisted lease. It does not include the tenant's obligation for rent beyond the termination date of the HAP Contract.

Separate agreements are not considered a tenant obligation under the lease and the Housing Authority will not reimburse the owner for any claims under these agreements.

C. DAMAGES

The owner must be present during the move-out inspection and only damages claimed by the owner are reimbursable.

All claims for damages must be supported by the actual bills or estimates for materials and labor and a copy of the cancelled checks or other receipts documenting payment.

Invoices or bills from individuals providing labor must include their name, address and telephone number.

The landlord may not bill him/herself for labor since that is not considered by the Housing Authority to be an “actual cost.” However, the actual cost of the owner’s employees’ labor, such as the resident manager, to make repairs may be included, but must be previously approved by the Housing Authority.

D. VACANCY LOSS IN THE CERTIFICATE PROGRAM

Vacancy Loss is applicable to the Certificate Program only. Vacancy loss is paid if the move was in violation of the notice requirements in the lease, or the result of an eviction.

In order to claim vacancy loss, the unit must be available for lease and the landlord must:

- ?? Notify the Housing Authority within 48 hours or 2 calendar days excluding weekends and holidays upon learning of the vacancy, or prospective vacancy, and
- ?? Pursue all possible activities to fill the vacancy, including, but not limited to:
  - ?? Contacting applicants on the owner's waiting list, if any;
  - ?? Seeking eligible applicants by listing the unit with the Housing Authority,
  - ?? Advertising the availability of the unit, and
  - ?? Not rejecting potentially eligible applicants except for good cause.

In the event that a unit becomes vacant because of the death of the tenant, the Housing Authority will permit the owner to keep the HAP for the month in which the tenant died.

To ensure valid claim processing, the Housing Authority will conduct a thorough move-in inspection noting "conditions" as well as HQS deficiencies, take pictures of questionable items, and send a report of all items to the owner and tenant.

The owner must be present during the move-out inspection and only damages claimed by the owner are reimbursable.

All claims for damages must be supported by the actual bills for materials, labor and a copy of the canceled checks or other receipts documenting payment.

Bills from individuals providing labor must include their name, Social Security Number, address and phone number. The landlord may not bill himself/herself for labor since that is not considered by the Housing Authority to be an "actual cost." However, the actual cost of the owner's employees' labor, such as the resident manager, to make repairs may be included.

Reasonableness of costs will be based on the Means/Home Tech Cost Estimating Guide. Reimbursement for replacement of items such as carpets, drapes, or appliances, are based on depreciation schedules in general use by this Housing Authority.

The Housing Authority may require verification of purchase date, quality, and price of replaced items in order to calculate depreciation.

Claims for unpaid utility bills cannot be approved as part of a claim.

Claims for normal wear and tear, previously existing conditions, routine turnover preparation, cleaning and cyclical interior painting are not paid.

The Housing Authority may inspect the unit to verify that repairs were made.

E. MOVE-OUT AND CLOSE-OUT INSPECTIONS

Move-out inspections are performed after the tenant has vacated the unit. These inspections are performed to assess the condition of the unit, not to evaluate the HQS. Vacate inspections will be conducted by the Housing Specialist, Housing Manager, Housing Administration Director or a designee.

The owner must notify the Housing Authority of the move-out and request an inspection within 24 hours of learning of the move-out in order to submit a claim for damages only for contracts on or before October 2, 1995.

If the contract was terminated due to owner breach, or the owner was in violation of the contract at the time that it was terminated, there will be no entitlement to claims.

The owner and tenant will be notified of the date and time of the inspection. If the owner is not present, the move-out inspection will be rescheduled only once for contracts on or before October 2, 1995.

The Housing Authority will conduct a move-out inspection on tenant's request if the owner does not also request an inspection.

A damage claim will not be approved unless the move-out inspection is requested and completed prior to any work being done.

F. PROCESSING CLAIMS

Any amount owed by the tenant to the owner for unpaid rent or damages will first be deducted from the maximum security deposit, which the owner could have collected under the program rules. If the maximum allowable security deposit is insufficient to reimburse the owner for the unpaid tenant rent or other amounts which the family owes under the lease, the owner may request reimbursement from the Housing Authority up to the limits for each program.

If the owner claims vacancy loss, the security deposit that s/he collected or could have collected will be deducted from the vacancy loss claim.

The Housing Authority reviews claims for unpaid rent, damages, or vacancy loss and makes a preliminary determination of amount payable. The family is informed that a claim is pending (notice sent to last known address). The notification will state the preliminarily determined amount, the type of claim, and describe the procedure for contesting the claim.

The Housing Authority will offer the family 5 working days to contest the claim. If the family disputes the claim, the Housing Authority will schedule an informal meeting with the owner and tenant in order to resolve the differences.

?? If the tenant fails to attend the meeting, the Housing Authority will proceed with its original determination.

?? Meetings will not be rescheduled if neither party attends.

?? Meetings will be rescheduled only one time if either party fails to attend.

The Housing Authority will schedule a Claim Review. If the family misses the Claim Review, another will not be scheduled unless there are extenuating circumstances.

?? At the Claim Review, the amount and type of claim will be discussed with the family. If the family agrees with the amount and type of claim, the family will be offered a Repayment Agreement. If the family does not agree to sign a Payment Agreement, the Housing Authority will process the account for collection.

?? If the family demonstrates that the claim, or parts of it, is invalid, the Housing Authority will adjust the amount. The Housing Authority may offer the tenant an opportunity for an Informal Hearing regarding the claim if disputes cannot be resolved.

After a determination has been made, the Housing Authority will notify the family in writing of the decision. If it has been determined that the family owes money, the Housing Authority will pursue collection to repay either in a lump sum or through a payment agreement. The notice will warn the family that their assistance may be terminated and they may be denied future participation in the program if they do not reimburse the Housing Authority as required.

Other Requirements for Claims Processing

The Housing Authority will require proof that the owner has complied with State and local laws applicable to security deposits before making payment on any claim.

All notices to tenants during the processing of a claim must include proof of mailing or of personal delivery.

Costs of filing eviction to remove the tenant or any other legal fees may not be reimbursed.

No claims will be paid for a unit which is vacant as the result of the landlord voluntarily moving a family to another unit owned by the same landlord.

All unpaid rent, damage, and vacancy loss claim forms must be fully complete when they are submitted, and they must be submitted within 5 working days of the date the owner learned of the move-out.

CHAPTER 18

OWNER OR FAMILY DEBTS TO THE HOUSING AUTHORITY

[24 CFR 982.552]

INTRODUCTION

This Chapter describes the Housing Authority'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 Housing Authority'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 Housing Authority'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 Housing Authority, the Housing Authority will make every effort to collect it. The Housing Authority 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 in Housing Authority payments to owner
- ?? Collection agencies
- ?? Credit bureaus
- ?? Income tax set-off programs

A. PAYMENT AGREEMENT FOR FAMILIES [24 CFR 982.552 (b)(6-8)]

A Payment Agreement as used in this Plan is a document entered into between the Housing Authority and a person who owes a debt to the Housing Authority. 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 Housing Authority upon default of the agreement.

The Housing Authority will prescribe the terms of the payment agreement, including determining whether to enter into a payment agreement with the family based on the circumstances surrounding the debt to the Housing Authority.

There are some circumstances in which the Housing Authority will not enter into a payment agreement. They are:

?? If the family already has a Payment Agreement in place.

?? If the Housing Authority determines that the family committed program fraud.

?? If the Housing Authority determines that the debt amount is larger than can be paid back by the family within 24 months.

The maximum amount for which the Housing Authority will enter into a payment agreement with a family is $10,000.

The maximum length of time the Housing Authority will enter into a payment agreement with a family is 2 years.

The minimum monthly amount of monthly payment for any payment agreement is $25.00.

B. DEBTS OWED FOR CLAIMS [24 CFR 792.103, 982.552 (b)(6-8)]

If a family owes money to the Housing Authority for claims paid to an owner:

?? The Housing Authority will review the circumstances resulting in the overpayment and decide whether the family must pay the full amount or the Housing Authority may enter into a Payment Agreement with the family.

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, and the family has not contacted or made arrangements with the Housing Authority, the Housing Authority will:

?? Require the family to pay the balance in full

?? Pursue civil collection of the balance due

?? 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 required to pay the balance in full prior to the issuance of a Housing Choice Voucher.

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 Housing Authority due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter.

Families who owe money to the Housing Authority due to the family's failure to report increases in income may be required to pay in a lump sum before the end of the fiscal year, June 30. If the family pays the amount in full within this time period, the Housing Authority may continue assistance to the family.

Program Fraud

Families who owe money to the Housing Authority due to program fraud will be required to pay in accordance with the payment procedures for program fraud, below.

Families who owe money to the Housing Authority due to program fraud will be required to pay the amount in full before the end of the fiscal year, June 30. If the full amount is paid within this time period, and the family is still eligible, the Housing Authority may continue assistance to the family.

If a family owes an amount, which equals or exceeds $ 3000.00 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the Housing Authority will refer the case for criminal prosecution.

Payment Procedures for Program Fraud

The amount in full must be paid before the end of the fiscal year.

The maximum time period for a Payment Agreement will be 24 months, if there is only 1 month left before the end of the fiscal year the amount must be paid in full.

The minimum monthly payment will be $ 25.00.

D. DEBTS DUE TO MINIMUM RENT TEMPORARY HARDSHIP

If the family owes the Housing Authority money for rent arrears incurred during the minimum rent period, the Housing Authority will calculate the total amount owed and divide it by 12 to arrive at a reasonable payback amount that the family will be required to pay to the Housing Authority monthly in addition to the family's regular monthly rent payment to the owner. The family will be required to pay the increased amount until the arrears are paid in full to the Housing Authority.

Minimum rent arrears that are less than $50.00 will be required to be paid in full the first month following the end of the minimum rent period.

The minimum monthly amount for a repayment agreement incurred for minimum rent arrears is $25.00

The Housing Authority will not enter into a repayment agreement that will take more than 24 months to pay off.

If the family goes into default on the repayment agreement for back rent incurred during a minimum rent period, the Housing Authority will reevaluate the family's financial situation and determine whether the family has the ability to pay the increased rent amount and if not, restructure the existing repayment agreement.

E. GUIDELINES FOR PAYMENT AGREEMENTS [24 CFR 982.552(b)(8)]

Payment Agreements will be executed between the Housing Authority and the head of household and co-head or head of household and spouse.

The Housing Administration Director or designee must execute the Repayment Agreement.

Payments may only be made by money order, personal check or cashier's check.

?? The family's assistance may be terminated if the family does not comply with the Repayment Agreement

A Payment Agreement will be considered to be in default when it is in delinquent for 1 day.

Monthly payments may be decreased in cases of family hardship and if requested 5 calendar days before the end of the month, verification of the hardship, and the approval of the Housing Administration Director.

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:

?? 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 Housing Authority:

> The Executive Director will have the discretion to approve additional amounts owed by the family to be added to the existing payment agreement.

F. OWNER DEBTS TO THE HOUSING AUTHORITY [24 CFR 982.453(b)]

If the Housing Authority determines that the owner has retained Housing Assistance or Claim Payments the owner is not entitled to, the Housing Authority 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 Housing Authority will:

?? Require the owner to pay the amount in full within 30 days.

?? Pursue collections through the local court system.

?? Restrict the owner from future participation.

G. WRITING OFF DEBTS

Debts will be written off if:

?? The debtor's whereabouts are unknown and the debt is more than 15 years old.

?? A determination is made that the debtor is judgment proof.

?? The debtor is confined to an institution indefinitely or for more than 15 years.

?? The amount is less than $25.00 and the debtor cannot be located.

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.
ELI	Extremely low income
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
HAP	Housing Assistance Payment
HAP Plan	Housing Assistance Plan
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; resulted in most of the 1984 HUD regulation changes to definition of income, allowances, rent calculations
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
PHA	Public Housing Agency
PMSA	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
PS	Payment Standard
QC	Quality Control
RFAT	Request for Approval of Tenancy
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 PHA governing its administration of the Section 8 Certificate and Voucher program. The Administrative Plan and any revisions must be approved by the PHA's board and a copy submitted to HUD.

ABSORPTION. In portability, the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE"). Account established by HUD from amounts by which the maximum payment to the PHA under the consolidated ACC (during a PHA 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.

ADMINISTRATIVE FEE. Fee paid by HUD to the PHA for administration of the program.

ADMINISTRATIVE FEE RESERVE (Formerly "Operating reserve"). Account established by PHA 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 BUDGET AUTHORITY. The maximum annual payment by HUD to a PHA for a funding increment.

ANNUAL CONTRIBUTIONS CONTRACT (ACC). A written contract between HUD and a PHA. Under the contract HUD agrees to provide funding for operation of the program, and the PHA agrees to comply with HUD requirements for the program

ANNUAL INCOME. The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

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.

AREA EXCEPTION RENT. Rent based on a HUD- approved payment standard amount that is higher than the basic range for a designated part of the fair market rent area ("exception area").

"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 a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

CERTIFICATE. A Certificate issued by the PHA under the pre-merger Rental Certificate Assistance Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation. Will no longer be issued after October 1, 1999.

CERTIFICATE OR VOUCHER HOLDER. A family holding a voucher or pre-merger certificate with unexpired search time.

CERTIFICATE PROGRAM. Pre-merger Rental certificate program.

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 PHA 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.)

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 PERSON. A person who is any of the following:

> A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).
>
> A person who has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and is of such a nature that ability to live independently could be improved by more suitable housing conditions.
>
> 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)).

DISABLED FAMILY. A family where the head or spouse meet any of the above criteria for disabled person.

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

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)).

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 PHA 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 pre-merger certificate program, an initial rent (contract rent plus any utility allowance) in excess of the published FMR. See Area Exception rent

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 to:

An Elderly Family or Single Person as defined in 24 CFR 5.403(b),

The remaining member of a tenant family, and

A Displaced Person

FAMILY OF VETERAN OR SERVICE PERSON. A family is a "family of veteran or service person" when:

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.

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 a PHA 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 PHA's subsidy standards.

FMR/EXCEPTION RENT LIMIT. The fair market rent published by HUD headquarters. In the pre-merger 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 PHA 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 a PHA under the consolidated annual contributions contract for the PHA program.

GROSS FAMILY CONTRIBUTION. Changed to Total Tenant Payment.

GROSS RENT. The sum of the Rent to Owner and the utility allowance. If there is no utility allowance, Rent to Owner 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).

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.

HOUSING AGENCY. A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "PHA" 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 a PHA. The total assistance payment consists of:

A payment to the owner for rent to owner under the family's lease.

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 a PHA and an owner in the form prescribed by HUD headquarters, in which the PHA 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 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.

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

IMPUTED INCOME. HUD passbook rate x total cash value of assets. Calculation used when assets exceed $5,000.

INITIAL PHA. In portability, the term refers to both:

A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and

A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

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:

By exercise of the power of self-government of an Indian Tribe, independent of State law, or 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.

JURISDICTION. The area in which the PHA 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.

LEASE. 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 PHA. 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 PHA.

LEASE ADDENDUM. See Tenancy Addendum

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 PHA to select among applicant families without regard to their federal preference status.

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 a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions.

OVER-FMR TENANCY (OFTO). In the pre-merger Certificate program: A tenancy for which the initial gross rent exceeds the FMR/exception rent limit.

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 PHA's certificate program or voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (First day of initial lease term).

PAYMENT STANDARD. The maximum subsidy payment for a family (before deducting the family contribution). The PHA sets a payment standard in the range from 90 to 110 percent of the current FMR/exception rent limit.

PERSONS WITH DISABILITIES. Individuals with any condition or characteristic that renders a person an individual with a handicap as defined in 24 CFR 8.2.

PHA PLAN. The annual plan and the 5-year plan as adopted by the PHA and approved by HUD in accordance with part 903 of this chapter.

PORTABILITY. Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA

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.

PROGRAM. The Section 8 tenant-based assistance program under this part.

PROGRAM RECEIPTS. HUD payments to the PHA under the consolidated ACC, and any other amounts received by the PHA in connection with the program.

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). PHA includes any State, county, municipality or other governmental entity or public body which is authorized to administer the program (or an agency or instrumentality of such an entity), or any of the following:

> A consortia of housing agencies, each of which meets the qualifications in paragraph (1) of this definition, that HUD determines has the capacity and capability to efficiently administer the program (in which case, HUD may enter into a consolidated ACC with any legal entity authorized to act as the legal representative of the consortia members):
>
> Any other public or private non-profit entity that was administering a Section 8 tenant-based assistance program pursuant to a contract with the contract administrator of such program (HUD or a PHA) on October 21, 1998; or
>
> For any area outside the jurisdiction of a PHA that is administering a tenant-based program, or where HUD determines that such PHA is not administering the program effectively, a private non-profit entity or a governmental entity or public body that would otherwise lack jurisdiction to administer the program in such area.

REASONABLE RENT. A rent to owner that is not more than rent charged for comparable units in the private unassisted market, and not more than the rent charged for comparable unassisted units in the premises.

RECEIVING PHA. In portability: An PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA 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 pre-merger 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.

RESIDENCY PREFERENCE. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

RESIDENCY PREFERENCE AREA. The specified area where families must reside to qualify for a residency preference.

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 PHA 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).

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:

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

Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or

Direct loans pursuant to Section 202 of the Housing Act of 1959; or

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;

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;

A Public Housing Project.

SUBSIDY STANDARDS. Standards established by a PHA 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/TOLLING. Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval to lease a unit, until the time when the PHA approves or denies the request. If the PHA decides to allow extensions or suspensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions or suspensions, and how the PHA determines the length of any extension or suspension.

TENANCY ADDENDUM. In the lease between the tenant and the owner, the lease language required by HUD.

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 owner 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. 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 which 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. 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 an unexpired term (search time).

VOUCHER PROGRAM. The Housing Choice Voucher program.

WAITING LIST ADMISSION. An admission from the PHA waiting list.

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

WELFARE ASSISTANCE. Income assistance from Federal or State welfare programs, including assistance provided under TANF and general assistance. Does not include assistnace directed solely tomeeting housing expenses, nor programs that provide health care, child care or other services for working families.

WELFARE RENT. This concept is used ONLY for pre-merger Certificate tenants who receive welfare assistance on an "AS-PAID" basis. It is not used for the Housing Voucher Program.

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.

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.

PHA. 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 PHA).

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.

CHAPTER 13

COMPLAINTS, GRIEVANCES AND APPEALS

[24 CFR 966.50-966.57]

INTRODUCTION

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the Housing Authority. This Chapter describes the policies to be used when families disagree with a Housing Authority decision. It is the policy of the Housing Authority to ensure that all families have the benefit of all protections due to them under the law.

Grievances shall be handled in accordance with the Housing Authority's approved Grievance Procedures. The written grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.

A. COMPLAINTS

The Housing Authority will respond promptly to all complaints.

Each complaint regarding physical condition of the units may be reported by phone to the Maintenance Department. Anonymous complaints are checked whenever possible. The Housing Authority does require that complaints be put in writing.

Complaints from families. If a family disagrees with an action or inaction of the Housing Authority, complaints will be referred to the Housing Administration Director. Complaints regarding physical condition of the units may be reported by phone to the Maintenance Director.

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, the complaints will be referred to the Housing Manager or the Administration Housing Director.

Complaints from the general public. Complaints or referrals from persons in the community in regard to the Housing Authority or a family will be referred to the Housing Administration Director.

Anonymous complaints will be checked whenever possible.

B. APPEALS BY APPLICANTS

Applicants who are determined ineligible, who do not meet the Housing Authority's admission standards, or where the Housing Authority 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 Housing Authority within 10 working days from the date of the notification of their ineligibility.

If the applicant requests an informal hearing, the Housing Authority will provide an informal hearing within 10 working days of receiving the request. The Housing Authority 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 or a 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 Housing Authority will be considered by the hearing officer.

The hearing officer will make a determination based upon the merits of the evidence presented by both sides. Within 10 working days of the date of the hearing, the hearing officer will mail a written decision to the applicant and provide a copy to the Housing Authority. A copy of the decision will be placed in the applicant's file.

The grievance procedures for Public Housing tenants do not apply to Housing Authority determinations that affect applicants.

C. APPEALS BY TENANTS

Grievances or appeals concerning the obligations of the tenant or the Housing Authority under the provisions of the lease shall be processed and resolved in accordance with the Grievance Procedure of the Housing Authority, which is in effect at the time such grievance or appeal arises.

(See the Housing Authority's Grievance Procedure contained in this chapter.)

D. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"

Assistance to the family may not be delayed, denied or terminated when an INS appeal is pending on the basis of immigration status.

Assistance to a family may not be terminated or denied while the Housing Authority hearing is pending but assistance to an applicant may be delayed pending the Housing Authority's hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search does not verify the claim, the Housing Authority will notify the applicant or tenant of the notification that it received from the INS, within ten days, and inform the family of their right to an informal hearing to appeal the Housing Authority's decision pending their appeal to the INS. If the family appeals to the INS, they must give the Housing Authority a copy of the appeal and proof of mailing or the Housing Authority may proceed to deny or terminate assistance. The time period to request an appeal may be extended by the Housing Authority for good cause.

The request for a Housing Authority hearing must be made within fourteen calendar 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 the "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 Housing Authority will not qualify for deferral.

If there are eligible members in the family, the Housing Authority 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 documentation or certification, the family will be denied or terminated for failure to comply.
- 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. 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 Housing Authority regulations which adversely affect the individual tenant's rights, duties, welfare, or status.

Complainant. Any tenant whose grievance is presented to the Housing Authority informally or as part of the informal hearing process.

Tenant. Shall mean the adult person (s) other than a Live-in Attendant who:

- Resides in the unit, and who executed the Lease with the Authority as Lessee of the dwelling unit, or, if no such person now resides in the unit.
- Resides in the unit, and who is the remaining head of household of the Tenant family residing in the dwelling unit.

Guest. Shall mean a person in the unit "with the consent" of a household member.

Hearing Officer. A person selected in accordance with this grievance procedure to hear grievances and render a decision with respect thereto.

Hearing Panel. A panel selected in accordance with this grievance procedure to hear grievances and render a decision with respect thereto.

Elements of Due Process. An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards is 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 Housing Authority prior to the hearing 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 Housing Authority 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.

- Resides in the unit, and who executed the Lease with the Authority as Lessee of the dwelling unit, or, if no such person now resides in the unit.

- Resides in the unit, and who is the remaining head of household of the Tenant family residing in the dwelling unit.

Applicability

This Grievance Procedure applies to all individual grievances, except any grievance concerning a termination of tenancy or eviction that involves:

- Any activity, not just criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or Housing Authority employees, or

- Any drug-related criminal activity *on* or *off* such premises.

The PHA grievance procedure shall not be applicable to disputes between tenants not involving the PHA or to class grievances. The grievance procedure is not intended as a forum for initiating or negotiating policy changes between a group or groups of tenants and the PHA's Board of Commissioners.

Pre-Hearing Procedures

Informal Grievance Procedures

Any grievance shall be presented in writing to the Housing Authority office or to the housing management office that sent the notice on which the grievance is based. Written grievances must be signed by the complainant. The grievance must be presented within no more than the first working day after the 5th day of the action or failure to act by the Housing Authority, which is the basis for the grievance. The written grievance must specify:

- The particular grounds upon which it is based;

- The evidence to prove the family's grounds;

- The action requested; and

- The name, addresses, and telephones number of the complainant, and similar information about the complainant's representative, if any.

The purpose of the initial discussion is to discuss and to resolve the grievance without the necessity of a formal hearing.

Within ten working days, a summary of this discussion will be given to the complainant by a Housing Authority representative. 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. The summary will also specify the steps by which an formal hearing can be obtained.

Dissatisfaction with Informal Conference

If the complainant is dissatisfied with the proposed disposition of the grievance, s/he shall submit a written, signed, request for a hearing within 5 working days of the date of the summary of the informal meeting. The request for a hearing must be presented to the Housing Authority's Executive Director. 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 formal hearing within 5 working days, s/he waives his/her right to a hearing, and the Housing Authority'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 Housing Authority's disposition in an appropriate judicial proceeding.

Right to a Hearing

After exhausting the informal conference procedures outlined above, a complainant shall be entitled to a hearing before a hearing officer.

The head of household or other adult household member must attend the hearing.

If rescheduling of the hearing is necessary, the hearing must be rescheduled at least 5 working days in advance of the scheduled hearing time or the complainant waives their right to a hearing.

If the complainant fails to appear within 10 minutes of the scheduled time, the complainant waives their right to a hearing.

The Housing Authority will provide reasonable accommodation for persons with disabilities to participate in the hearing. The Housing Authority must be notified within 5 calendar days of the scheduled time if special accommodations are required.

Selection of Hearing Officer or Hearing Panel

A grievance hearing shall be conducted by an impartial person or persons appointed by the Housing Authority other than the person who made or approved the Housing Authority action under review, or a subordinate of such person. If the complainant does not agree with the hearing official selected by the Housing Authority, they shall each select a member of the three member-hearing panel and mutually select the third member. If the complainant does not provide a viable candidate for the third panelist, within 5 working days, the Housing Authority will select the panelist, but may not be a Housing Authority Commissioner or employee.

Procedures to Obtain a Hearing

Informal Prerequisite

All grievances must be informally presented, following the previously outlined process, as a prerequisite to a formal hearing.

The hearing officer may waive the prerequisite informal conference if, and only if, the complainant can show good cause why s/he failed to proceed informally.

If the complainant does not request a formal hearing within the time period allowed, s/he waives her/his right to the hearing and proposed disposition of the grievance will become final.

Escrow Deposit

Before a hearing is scheduled for any grievance involving an amount of rent, the Housing Authority claims is due, the complainant shall pay to the Housing Authority 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.

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 Housing Authority'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, at a time and place reasonably convenient to the complainant and the Housing Authority.

A written notification of the date, time, place, and procedures governing the hearing shall be delivered to the complainant and the appropriate Housing Authority official.

Hearing Procedures

The hearing shall be held before a hearing officer or 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 Housing Authority that are relevant to the hearing with at least a 72 hour written notice to the Housing Authority Administration Department prior to the hearing. Any document not so made available after request by the complainant may not be relied upon by the Housing Authority at the hearing.

- The Housing Authority shall also have the opportunity to examine and to copy at the expense of the Housing Authority all documents, records and statements that the family plans to submit during the hearing to refute the Housing Authority's inaction or proposed action. The complainant must inform the Housing Authority, in writing, of the documentation it will use at least 5 working days prior to the hearing. Any documents not so made available to the Housing Authority may not be relied upon at the hearing.

- 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 and to have such person make statements on the tenant’s behalf.

- The right to present evidence and arguments in support of the complaint, to controvert evidence presented by the Housing Authority, and to confront and cross-examine all witnesses upon whose testimony or information the Housing Authority relies, limited to the issues for which the complainant has received the opportunity for a formal hearing; 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 Housing Authority fail to appear at the scheduled hearing, the hearing officer may:

- Postpone the hearing for a period not to exceed 5 working days.

- make a determination that the party has waived his/her right to a hearing.

Such a determination in no way waives the complainant's right to appropriate judicial proceedings in another forum.

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the Housing Authority must sustain the burden of justifying the Housing Authority action or failure to act against which the complaint is directed.

The hearing shall be conducted by the hearing officer as follows:

- **Informal**: 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;

- **Formal**: The hearing officer shall require the Housing Authority, complainant, counsel, and other participants and spectators to 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.

The Housing Authority may arrange in advance, if requested in writing 48 hours before the date of the hearing, for a transcript or audiotape of the hearing. Any interested party may purchase a copy of such transcript.

Accommodations of persons with disabilities. (1) The PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the tenant is visually impaired, any notice to the tenant, which is required under this subpart, must be in an accessible format.

Decisions of the Hearing Officer/Panel

The hearing officer shall give the Housing Authority and the complainant a written decision, including the reasons for the decision, within 12 working days following the hearing. The Housing Authority will place one copy in the tenant files. A copy of such decision, with all names and identifying references deleted, shall also be maintained on file by the PHA and made available for inspection by a prospective complainant, his representative, or the hearing panel or hearing officer.

The decision of the hearing officer shall be binding on the Housing Authority which shall take all actions necessary to carry out the decision, unless the complainant requests Board action within 5 working days prior to the next Board meeting. The Housing Authority Commissioners' decision will be mailed to the complainant within 15 working days following the Board meeting, and so notifies the complainant that:

- The grievance does not concern the Housing Authority action or failure to act in accordance with or involving the complainant's lease or Housing Authority regulations which adversely affect the complainant's rights, duties, welfare or status;

- The decision of the hearing officer is contrary to applicable Federal, State, or local law, HUD regulations or requirements of the Annual Contributions Contract between HUD and the Housing Authority.

A decision by the hearing officer or Housing Authority Commissioners in favor of the Housing Authority or which denies the relief requested by the complainant in whole or part shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial de novo or judicial review in any judicial 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 Housing Authority notice of termination of tenancy, and the hearing officer upholds the Housing Authority action, the Housing Authority shall not commence an eviction action until it has served a notice to vacate on the tenant.

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.

CAPITAL FUND PROGRAM

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

PHA Name: Housing Authority of the City of Calexico	Grant Type and Number Capital Fund Program Grant No: **CA16P03950104** Replacement Housing Factor Grant No:	Federal FY of Grant: 2004

☒ **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	
		Original	Revised	Obligated	Expended
1	Total non-CGP Funds				
2	1406 Operations				
3	1408 Management Improvements (not to exceed 20%)	70,000.00			
4	1410 Administation	70,000.00			
5	1411 Audit	2,000.00			
6	1415 Liquidated Damages				
7	1430 Fees and Costs	21,000.00			
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	361,657.00			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment - Expendable	30,000.00			
14	1485 Demolition				
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
	Grand Total	**554,657.00**			

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

PHA Name: Housing Authority of the City of Calexico			Grant Type and Number Capital Fund Program Grant No: **CA16P03950104** Replacement Housing Factor Grant No:				Federal FY of Grant: 2004		
Development No. Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost Obligated	Expended	Status of Work
HA WIDE	VARIOS MGMT IMPROVEMENTS								
HA WIDE	(TRAINING DEP)		1408		70,000.00				
HA WIDE	ADMINISTRATION		1410		70,000.00				
HA WIDE	AUDIT		1411		2,000.00				
HA WIDE	FEES AND COSTS		1430		21,000.00				
HA WIDE	NON DWELLING EQUIPMENT		1475		30,000.00				
39.1	UPGRADE WINDOWS		1460		161,657.00				
39.2	EXTERIOR WALL INSULATION		1460		200,000.00				
	SUBTOTAL				**554,657.00**				
NON DWELLING	CELLULAR PHONE		1475		1,000.00				
EQUIPMENT	COMPUTER UPGRADE		1475		2,000.00				
	SUBTOTAL				**3,000.00**				

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

PHA Name: Housing Authority of the City of Calexico	Grant Type and Number: Capital Fund Program Grant No: **CA16P03950102** 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 Obligated	Total Actual Cost Expended	Status of Work
CA16PO39-001	UPGRADE WASHER DRAIN		1460	45 UNITS	20,000.00				
	UPGRADE SMOKE DETECTORS		1460	45 UNITS	10,000.00				
CA16P039-002	REPLACE WATER HEATERS		1460	30 UNITS	30,000.00				
	UPGRADE ROOFS		1460	30 UNITS	95,000.00				
CA16PO39-003	WATER HEATER ENCLOSURE/		1460	50 UNITS	90,000.00				
	WATER HEATERS								
	UPGRADE SMOKE DETECTORS		1460	50 UNITS	33,000.00				
	UPGRADE EXTERIOR AREAS		1460	50 UNITS	79,153.00				
	BUILDING CODE COMPLIANCE		1460	50 UNITS	45,000.00				
CA 16 PO39-007	EXTERIOR IMPROVEMENTS		1460	30 UNITS	45,000.00				
	SUBTOTAL				**447,157.00**				

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

PHA Name: Housing Authority of the City of Calexico	**Grant Type and Number** Capital Fund Program No: CA16P03950101 Replacement Housing Factor No:	**Federal FY of Grant:** 2002

Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date) 12/31/2000			All Funds Expended (Quarter Ending Date) 12/31/2000			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
CA16P039001	SEPT 2004			SEPT. 2006			
CA16PO39002							
CA16P039003	SEPT 2004			SEPT. 2006			
MANAGEMENT	SEPT 2004			SEPT. 2006			
ADMINISTRATION	SEPT 2004			SEPT. 2006			

Capital Fund Program Five-Year Action Plan
Part I: Summary

PHA Name HOUSING AUTHORITY CITY OF CALEXICO				☐ **Original 5-Year Plan** ☐ **Revision No:**	
Development Number/Name/HA-Wide	Year 1 2002	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
ADMINISTRATION/ MANAGEMENT IMPROVEMENTS	Annual Statement				
CA16PO39 001		115,000.00	122,025.00	135,000.00	0.00
CA16PO39 002		30,000.00	0.00	0.00	0.00
CA16PO39 003		168,085.00	0.00	0.00	0.00
CA16PO39 005		90,000.00	0.00	0.00	447,157.00
CA16PO39 007		44,072.00	0.00	312,157.00	0.00
CA16PO39 009		0.00	325,132.00	0.00	0.00
SUBTOTAL		447,157.00	447,157.00	447,157.00	447,157.00
MANAGEMENT IMPROVEMENTS		2,500.00	2,500.00	2,500.00	2,500.00
ADMINISTRATION		44,500.00	44,500.00	44,500.00	44,500.00
FEES		57,500.00	57,500.00	57,500.00	57,500.00
NON DWELLING EQUIPMENT		3,000.00	3,000.00	3,000.00	3,000.00
Total CFP Funds (Est.)		**554,657**	**554,657**	**554,657**	**554,657**

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

Activities for Year 1 2002	Activities for Year : 2 FFY Grant: 501 03 PHA FY: 2003			Activities for Year: 3 FFY Grant: 501 04 PHA FY: 2004		
	CA16PO39 001	REPAIR EXTERIOR WALLS	95,000.00	CA16PO39 001	UPGRADE A.C. DUCT SYSTEM	82,025.00
		UPGRADE WASHER DRAIN	20,000.00		REPLACE WATER HEATERS	40,000.00
	CA16PO39 002	REPLACE WATER HEATERS	30,000.00	CA16PO39 009	RE-ROOFING AND FLASHING	140,000.00
					REPLACEMENT OF WINDOW A.C. UNITS	140,000.00
	CA16PO39 003	WATER HEATER ENCLOSURES/ WATER HEATER	90,000.00		EXTERIOR IMPROVEMENTS	45,132.00
		UPGRADE SMOKE DETECTORS	33,000.00			
		BUILDING CODE COMPLIANCE	45,085.00			
	CA16PO39 005	INSTALL CHAIN LINK FENCE	90,000.00			
	CA16PO39 007	EXTERIOR IMPROVEMENTS	44,072.00			
		SUB TOTAL	**447,157.00**		**SUB TOTAL**	**447,157.00**

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

Activities for Year 1 2002	Activities for Year : 4 FFY Grant: 501 05 PHA FY: 2005			Activities for Year: 5 FFY Grant: 501 06 PHA FY: 2006		
	CA16PO39 001	REPLACEMENT OF A.C. UNITS	135,000.00	CA16PO39 005	REPLACE DRIVEWAYS	185,192.00
					REPLACE A.C. UNITS	150,000.00
	CA16PO39 007	UPGRADE SEWER/WATER SYSTEM	247,025.00		REPAIR EXTERIOR SURFACES	77,123.00
		UPGRADE EXTERIOR AREAS	65,132.00		STORAGE/ELECTRICITY	34,842.00
					SUBTOTAL	**447,157.00**
		SUBTOTAL	**447,157.00**			

Chapter 10

PET POLICY

[24 CFR.309]

INTRODUCTION

The purpose of this policy is to establish the Housing Authority's policy and procedures for ownership of pets in and on properties owned and operated by the Housing Authority of the City of Calexico. These regulations are hereby incorporated in the Residential Dwelling Lease and any violation of these regulations will constitute a violation of said lease.

A. ANIMALS THAT ASSIST PERSONS WITH DISABILITIES

Pet rules concerning the pet deposit will not be applied to animals that assist persons with disabilities, but the resident/pet owner will be required to qualify the animal for exclusion from the pet policy.

To be excluded from the pet policy, the resident must provide a certification from a licensed veterinarian stating that the animal has been trained to assist the person with the specified handicap requiring the use of the animal and that the animal actually assists the handicapped individual. The resident/pet owner will still be required to submit a written statement to the Housing Authority to register the pet. All other regulations relating to the proper care of the pet, licensing, and inoculations will apply.

B. MANAGEMENT APPROVAL OF PETS

All pets must be approved in advance and written authorization must be given by the HACC Management.

The pet owner must submit and enter into a Pet Agreement with the HACC.

Registration of Pets

All pets must be registered with the Housing Authority. Any resident desiring a pet must notify the Housing Authority in writing at least ten (10) days prior to bringing the pet to live with the tenant. Within this time, the required documents must be furnished, the first installment of the $200.00 required deposit must be paid and a certificate signed by a U.S. licensed veterinarian that the pet has received all inoculations required by State or local law and that the pet has no communicable disease(s) and is pest-free must be provided.

One picture of each common household pet must be taken at the Housing Authority office at time of registration. Family provided pictures will not be accepted.

Questionnaire to be mailed to and completed by veterinarian will include animal's breed, weight, age and, if under one year old, weight expected when full grown.

When all requirements listed herein are satisfied, the resident will receive a Pet Permit authorizing the keeping of the pet. This permit may be revoked at any time, without any prior notice, if the pet becomes a nuisance or a threat to the health or safety of others, or if the pet owner fails to comply with any provisions of this policy.

Registration must be renewed and will be coordinated with the annual recertification date and proof of license and inoculation will be submitted at least 60 days prior to the annual reexamination.

Dogs and cats must be spayed or neutered.

Execution of a Pet Agreement with the Housing Authority stating that the tenant acknowledges complete responsibility for the care and cleaning of the pet will be required.

If the completion of the requirements is pending, approval for the keeping of a pet shall not be extended.

C. REFUSAL TO REGISTER PETS

If the Housing Authority refuses to register a pet, a written notification will be sent to the pet owner stating the reason for denial and shall be served in accordance with HUD Notice requirements.

The Housing Authority 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 Pet Policy provision
- The pet owner fails to provide complete pet registration information, or fails to update the registration annually
- The Housing Authority 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 provisions of the lease.

The notice of refusal may be combined with a notice of a pet violation.

A resident who cares for another resident's pet must notify the Housing Authority and agree to abide by all of the pet rules in writing.

D. ELIGIBILITY

Housing Authority will allow for pet ownership of the animals listed below with the exception that dogs and cats are only allowed when they assist persons with disabilities and in these cases, the breed and size of the pet will be a determining factor for approval.

Only those residents who pass a housekeeping inspection based on the current condition of the unit and findings of the last two annual inspections will be permitted to have a pet.

In the case of a prospective resident, a finding of satisfactory housekeeping in the applicant's current residence will be needed to establish eligibility for keeping a pet.

Types of Pets Allowed

No types of pets other than the following may be kept by a resident.

Tenants are not permitted to have more than ***one type*** of pet.

1. Dogs **(Only for person with disabilities)**

   Maximum number: 1

   Maximum adult weight: 18 pounds

   Must be housebroken

   Must be spayed or neutered

   Must have all required inoculations

   Must be licensed as specified now or in the future by State law and local ordinance

2. Cats **(Only for person with disabilities)**

   Maximum number: 1

   Maximum adult weight 18 pounds

   Must be declawed

   Must be spayed or neutered

   Must have all required inoculations

   Must be trained to use a litter box or other waste receptacle

   Must be licensed as specified now or in the future by State law or local ordinance

3. Birds

Maximum number: 2

Must be enclosed in a cage at all times

4. Fish

Maximum aquarium size: 50 gallons

Must be maintained on an approved stand

5. Rodents (Rabbits, guinea pigs, hamsters, or gerbil ONLY)

Maximum number: 2

Must be enclosed in an acceptable cage at all times

Must have any or all inoculations as specified now or in the future by State law or local ordinance

Types of Pets Not-Allowed

?? Any animals whose weight could exceed 18 lbs. by adulthood

?? Dogs of the Pit Bull, Rottweiler, Chow, or Boxer breeds

?? Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites and lacerations

?? Hedgehogs or other animals whose natural body armor produce a risk to children

?? Chicks or other animals who pose a significant risk of salmonella infection

E. STANDARDS FOR PETS

All animals are to be spayed or neutered.

F. LICENSE

Pet owners are required to license their pets in accordance with applicable state and local laws and regulations.

Each dog or cat shall be licensed annually with the proper U.S. authorities. The pet must wear the license at all times. Proof of licensing must be provided to management.

G. ANNUAL REVIEW

Resident will provide to management yearly at the annual re-certification, any documentation necessary to determine the resident's continued compliance with the requirements of this policy.

H. PET CONTROL

?? Household may keep only two common household pets.

?? All dogs must be on a leash at all times when outside the resident's unit.

?? No pet will be permitted in any common area or hallway, except as necessary to directly enter and exit the buildings.

?? No dog will be permitted to remain in a unit overnight, without supervision, while the resident is away.

?? No Housing Authority personnel will enter any unit containing a dog or cat until the resident has physical control of the animal. It is the resident's responsibility to ensure that the Housing Authority staff has access to the unit when a pre-arranged appointment has been made to enter the unit and in emergency cases.

?? Residents will not permit disturbances by their pet that interferes with the quiet enjoyment of the premises by other residents.

?? All dogs and cats must wear a collar with an identification tag listing the name and address of the pet owner.

?? No pets other than seeing – eye dogs are permitted in the common areas at any time.

I. PETS TEMPORARILY ON THE PREMISES

Pets, not owned by a tenant, will not be allowed in the Housing Authority premises.

Residents are prohibited from feeding or harboring stray animals.

J. DESIGNATION OF PET/NO-PET AREAS

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.

A common household pet must be effectively restrained by use of a leash and under the control of a responsible person when passing through a common area.

Any animal or pet waste deposited in any common area, animal or pet exercise area must be removed immediately by the pet owner.

All pets are to be fed inside the apartment. Feeding is not allowed on porches, sidewalks, patios, balconies or other outside area. (Except for single dwelling units).

NO-PET AREAS:

1. PHA playground
2. Management offices
3. Recreation center

K. ADDITIONAL FEES AND DEPOSITS FOR PETS

The resident/pet owner will be required to pay a refundable deposit for the purpose of defraying all reasonable costs directly attributable to the presence of a dog or cat. The total pet deposit is $200.00. An initial payment of $100.00 deposit must be made prior to the date the pet is to be brought into the unit. The Housing Authority can make a payment agreement for the deposit balance of $100.00 to be paid within a period of no more than six months.

The Housing Authority reserves the right to change or increase the required deposit by making an amendment to these rules.

The Housing Authority will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, upon removal of the pet from the unit or if the owner leaves the unit. The Housing Authority 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 Housing Authority 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 Housing Authority will provide a meeting to discuss the charges.

This deposit is in addition to any other financial obligation generally imposed on tenants of the project. The pet deposit will be used to pay all reasonable expenses incurred by the Housing Authority as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit
- Fumigation of the dwelling unit
- Repair costs to common areas of the project.

Pet Deposits are not a part of rent payable by the resident.

L. ALTERATIONS TO UNIT

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.

M. PET WASTE REMOVAL CHARGE

It is the resident/pet owner's responsibility to take care of the pet's waste. If the pet owner fails to comply with this responsibility, a separate pet waste removal charge of $5.00 per occurrence will be assessed against the resident for violations of the Pet policy and a warning will be issued to the family. Two or more such warnings in a 12-month period may be grounds for eviction.

Pet deposit and pet waste removal charges are not part of rent payable by the resident.

Residents/Pet Owners are not permitted to deposit waste on project premises.

N. 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.

O. NOISE

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to, loud or continuous barking, howling, whining, biting, scratching, chirping or other such activities.

P. CLEANLINESS REQUIREMENTS

Litter Box Requirements. 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.
- Litter boxes shall be stored inside the resident's dwelling unit.

Removal of Waste from Other Locations. The Resident/Pet Owner shall be responsible for the removal of waste by placing it in a sealed plastic bag and disposing of it in an outside trash bin.

Any unit occupied by a dog, cat, or rodent will be fumigated at the time the unit is vacated.

The resident/pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Q. PET CARE

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 8 hours.

All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention of 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.

R. RESPONSIBLE PARTIES

The resident/pet owner will be required to submit a notarized statement from two adults, who are not residents at a Housing Authority facility, indicating the individual's willingness to provide 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.

S. INSPECTIONS

The Housing Authority may, after 24-hour notice to the tenant, enter and inspect the premises to verify compliance with this Policy.

T. PET RULE VIOLATION NOTICE

If a determination is made, on objective facts supported by written statements, that a resident/pet owner has violated the Pet Policy, written notice will be served.

The Notice will contain a brief statement of the factual basis for the determination and the Pet Policy that was violated. The notice will also state:

- ?? That the resident/pet owner has (depending upon the nature of the violation) between 10 calendar days from the effective date of the service of notice to correct the violation or to make a written request, within 5 calendar days, for a meeting to discuss the violation

- ?? 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 5 calendar day period, the meeting will be scheduled no later than 14 calendar days before the effective date of service of the notice, unless the pet owner agrees to a later date.

U. NOTICE FOR PET REMOVAL

If the resident/pet owner and the Housing Authority 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 Housing Authority, the Housing Authority may serve notice to remove the pet.

The Notice shall contain:

- A brief statement of the factual basis for the Housing Authority's determination of the Pet Rule that has been violated;
- The requirement that the resident/pet owner must remove the pet within 10 days of the notice; and
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

V. TERMINATION OF TENANCY

The Housing Authority may initiate procedures for termination of tenancy based on a pet rule violation if:

1. The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and
2. The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

W. PET REMOVAL

If the death or incapacity of the pet owner threatens the health or safety of the pet, 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. This action will include pets that are poorly cared for or have been left unattended for over 24 hours.

If the responsible party is unwilling or unable to care for the pet, or if the Housing Authority after reasonable efforts cannot contact the responsible party, the Housing Authority may contact the appropriate State or local agency and request the removal of the pet at the resident/pet owner's expense.

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.

X. EMERGENCIES

The Housing Authority 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 Housing Authority to place the pet in a shelter facility, the cost will be the responsibility of the resident/pet owner.

Capital Fund Program Five-Year Action Plan
Part I: Summary

PHA Name HOUSING AUTHORITY CITY OF CALEXICO				☐ **Original 5-Year Plan** ☐ **Revision No:**	
Development Number/Name/HA-Wide	Year 1 2004	Work Statement for Year 2 FFY Grant: 501 05 PHA FY: 2005	Work Statement for Year 3 FFY Grant: 501 06 PHA FY: 2006	Work Statement for Year 4 FFY Grant: 501 07 PHA FY: 2007	Work Statement for Year 5 FFY Grant: 501 08 PHA FY: 2008
ADMINISTRATION/ MANAGEMENT IMPROVEMENTS	Annual Statement				
CA16PO39 001				300,000.00	
CA16PO39 002			250,000.00	100,000.00	
CA16PO39 003		195,000.00			
CA16PO39 005					
CA16PO39 007		205,000.00	80,000.00		400,000.00
CA16PO39 009			70,000.00		
SUBTOTAL		400,000.00	400,000.00	400,000.00	400,000.00
MANAGEMENT IMPROVEMENTS		50,000.00	50,000.00	50,000.00	50,000.00
ADMINISTRATION		70,000.00	70,000.00	70,000.00	70,000.00
FEES		28,000.00	28,000.00	28,000.00	28,000.00
NON DWELLING EQUIPMENT		6,657.00	6,657.00	6,657.00	6,657.00
Total CFP Funds (Est.)		**554,657**	**554,657**	**554,657**	**554,657**

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

Activities for Year 1 2004	Activities for Year : 2 FFY Grant: 501 04 PHA FY: 2005			Activities for Year: 3 FFY Grant: 501 05 PHA FY: 2006		
	CA16PO39 003	Replace Kitchen Cabinets	150,000.00	CA16PO39 002	Upgrade electric system	250,000.00
	CA16PO39-003	Replace Stove /Refrigerators	50,000.00	CA16039 007	Upgrade exterior areas	65,000.00
	CA16PO39 007	Upgrade sewer/water system	200,000.00		Replace water heaters	15,000.00
				CA16PO39 009	Exterior Improvements	70,000.00
		SUB TOTAL	**400,000.00**		**SUB TOTAL**	**400,000.00**

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

Activities for Year 1 2004	Activities for Year : 4 FFY Grant: 501 06 PHA FY: 2007			Activities for Year: 5 FFY Grant: 501 07 PHA FY: 2008		
				CA16PO39 007	Replace Kitchen Cabinets	100,000.00
	CA16PO39 001	Upgrade Interior Electric System	100,000.00		Concrete Block Fence	50,000.00
		Replace interior water supply lines	200,000.00		Upgrade Windows	100,000.00
					Upgrade Bathrooms	150,000.00
	CA16PO39 002	Upgrade Sewer system	100,000.00			
		SUBTOTAL	**400,000.00**		**SUBTOTAL**	**400,000.00**

FIVE YEAR PLAN

MISSION STATEMENT

The following mission statement has been adopted to guide the activities of the Housing Authority of the City of Calexico.

To provide clean, affordable, quality housing improving the standard of living of the population it serves. Promote Upward Mobility, Self-Sufficiency and Resident Empowerment.

The HACC's commitment is to serve the citizens of Calexico by:

?? Providing affordable housing opportunities in a safe environment without discrimination.
?? Being the area's affordable housing of choice, by providing and maintaining quality housing in a cost-effective manner.
?? Forming effective partnerships, with resident collaboration, that will maximize social and economic opportunities, promoting the residents' self-sufficiency.

The mission will be accomplished by a fiscally responsible, creative organization committed to excellence in public service in partnership with the greater community.

FIVE-YEAR GOALS

The goals and objectives adopted by the Housing Authority of the City of Calexico are:

Goal One: To manage the Housing Authority of the City of Calexico in a manner that results in full compliance with applicable statutes and regulations as defined by program audit requirements.

Objectives:

1. The Housing Authority shall promote a motivating work environment with a capable and efficient team of employees to operate as a customer-friendly and fiscally prudent leader in the affordable housing industry. To accomplish this, the HACC will ensure that its staff receives timely training, in all areas of property management as required by HUD.

2. To ensure that each department is in compliance with the PHAS, SEMAP, MTCS and other requirements, timely submissions and quality control will be monitored on a monthly basis.

3. The Housing Authority of the City of Calexico shall sustain its classification as a high performer up to the fiscal year ending June 30, 2005 and subsequent years.

Goal Two: To increase the availability of decent, safe and affordable housing in order to address the affordable housing needs of our community for the next five years, cited as a need in our City's General Plan.

To adapt the Housing Authority of the City of Calexico's housing stock and program resources to more closely meet the housing needs and markets identified in our needs assessment.

Objectives:

1. Increase the availability of affordable housing within the City of Calexico, by 20% of the Housing Authority's existing stock, within the next five years.

2. To develop a non-profit housing corporation, if necessary, to seek tax credit and other financing to build new affordable housing units.

3. Finalize the sale of Casas del Sol Development total of 50 units by June 30, 2005.

4. Buy or build replacement housing for the homes sold under the Homeownership program.

Goal Three: Promote fair housing and equal opportunity for all members of our community through outreach and education.

Objectives:

1. Use the tenant-based assistance program to expand housing opportunities beyond areas of traditional low-income and minority concentration.

2. The Housing Authority of the City of Calexico shall mix its public housing development populations, as much as possible, in relation to ethnicity, race and income.

Goal Four: Improve the access of public housing residents to services that support economic development opportunities and quality of life.

Objectives:

1. The Housing Authority of the City of Calexico will establish new partnerships in order to enhance self-sufficiency services to our residents by June 30, 2005.

2. The Housing Authority of the City of Calexico will more effectively utilize its community facilities to provide resident services as measured by increased utilization of 20% by June 30, 2005.

3. Apply to at least two appropriate foundations or grant funds to expand our Economic Develop and Family Self-Sufficiency Program.

4. The Housing Authority of the City of Calexico shall have an effective, fully functioning resident organization by June 30, 2005.

5. The Housing Authority of the City of Calexico shall assist its resident organization in strengthening their organization and helping them develop their own mission statement, goals and objectives by June 30, 2005.

Goal Five: Provide a safe and secure environment in the Housing Authority of the City of Calexico's public housing developments.

Improve resident and community perception of safety and security in the Housing Authority of the City of Calexico's public housing developments.

Objectives:

1. The Housing Authority of the City of Calexico shall reduce crime in its developments so that their crime rate is less than their surrounding neighborhood by June 30, 2005.

2. The Housing Authority of the City of Calexico shall refine the memorandum of understanding between the City of Calexico's police department and this agency. The purpose of this is to better define the "edge problem" of crime that occurs near our developments and develop strategies for identifying and reducing this problem.

Five Years Goals Update:

During the year 2001, the hacc was able to obtain mixed financing to build a senior project, involving the construction of 80 units. This affordable project will help to alleviate the great need of affordable housing in our jurisdiction.

The HACC has continued applying for new funds to provide self-sufficient program activities for public housing residents.

The HACC has provided training for its staff to improve services to residents.

The HACC will continue to seek other avenues of providing affordable housing, buy additional apartment complexes.

The HACC will seek for additional funding to develop more senior projects.

The HACC will seek funding to assist in crime prevention, youth activities and summer programs.