

# PHA Plans

## Streamlined 5-Year/Annual Version

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

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This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937 that introduced 5-year and annual PHA Plans. The full PHA plan provides a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form allows eligible PHAs to make a streamlined annual Plan submission to HUD consistent with HUD's efforts to provide regulatory relief to certain PHAs. Public reporting burden for this information collection is estimated to average 11.7 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development, Federal Housing Administration, is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Information in PHA plans is publicly available.

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# Streamlined 5-Year Plan for Fiscal Years 2005 - 2010

## Streamlined Annual Plan for Fiscal Year 2005

**NOTE:** This PHA Plan template (HUD-50075-SA) is to be completed in accordance with instructions contained in previous Notices PIH 99-33 (HA), 99-51 (HA), 2000-22 (HA), 2000-36 (HA), 2000-43 (HA), 2001-4 (HA), 2001-26 (HA), 2003-7 (HA), and any related notices HUD may subsequently issue. Full reporting for each component listed in the streamlined Annual Plan submitted with the 5-year plan is required.

## Streamlined Five-Year PHA Plan Agency Identification

**PHA Name:** Richland County

**PHA Number:** Mt006

**PHA Fiscal Year Beginning: (mm/yyyy)** 04/2005

**PHA Programs Administered:**

- Public Housing and Section 8**       **Section 8 Only**       **Public Housing Only**  
 Number of public housing units: 86      Number of S8 units:      Number of public housing units:  
 Number of S8 units: 92

**PHA Consortia: (check box if submitting a joint PHA Plan and complete table)**

Participating PHAs	PHA Code	Program(s) Included in the Consortium	Programs Not in the Consortium	# of Units Each Program
Participating PHA 1:				
Participating PHA 2:				
Participating PHA 3:				

### 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 and attachments (if any) are available for public inspection at: (select all that apply)

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

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

- Main business office of the PHA  
 PHA development management offices

Other (list below)

## Streamlined Five-Year PHA Plan PHA FISCAL YEARS 2005 - 2010 [24 CFR Part 903.12]

### A. Mission

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

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

### B. Goals

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

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

PHA Goal: Maintain an adequate inventory of decent, safe & affordable housing in region

Objectives:

- Apply for additional rental vouchers:
- Reduce public housing vacancies:  
*Measure: HA will reduce the number of vacancy days from 2003 baseline of 1579 days to 800 days*
- Leverage private or other public funds to create additional housing opportunities:  
*Measure: HA will write grants to secure funding from CDBG, HOME, FHLS, or LIHTC and secure local funds through loans from state or local banks to meet market demand.*
- Acquire or build units or developments  
*Measure: HA will acquire USDA, privately owned properties with 48 units within the first three years of the plan. HA will attempt regional pursuit of other USDA properties.*
- Other (list below)

PHA Goal: Improve the quality of assisted housing

Objectives:

- Improve public housing management: (PHAS score) 89

- Measure: HA has consistently been standard performer, will raise score above 89 percentile.*
- Improve voucher management: (SEMAP score) 100  
*Measure: HA is assessed every two years, last year score was 100. HA will score above 95%.*
- Increase customer satisfaction:  
*Measure: Improve the RASS submodule score as follows:*  
*Maintenance and Repair From 85% to 90%*  
*Communication From 74% to 85%*  
*Safety From 80% to 85%*  
*Housing Appearance From 79% to 95%*
- Concentrate on efforts to improve specific management functions:  
(list; e.g., public housing finance; voucher unit inspections)  
*Measure: PHA will annually inspect properties and voucher properties before the anniversary date.*  
*Staff training will be increased to accommodate the different programs under the HA umbrella.*  
*Policies will be reviewed and revisions made to increase the number of 504 units, make for a diverse housing stock..*
- Renovate or modernize public housing units:  
*Measure: HA will procure and have prepared a Preliminary Architectural Review of all HA projects to determine long term viability and rehabilitation issues. Will prepare 5 year plan to address findings.*
- Demolish or dispose of obsolete public housing:  
*Measure: HA was not able to complete the Demo/Dispo application in the previous five years but will complete the revised application in this plan.*
- Provide replacement public housing:  
*Measure: By reducing the vacancies either through demo or dispo, housing will be provided to all displaced and HA will investigate the development of a mixed income project.*
- Provide replacement vouchers:
- Other: (list below) Adopt policy changes to improve choices  
*Measure: The HA will adopt an expanded development of 504 units as part of its capital fund program.*
- 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:  
*Measure: HA will secure approval with Demo/Dispo application to sell 3 single family homes in the Mt006005 project to eligible moderately low income families.*
- Implement public housing site-based waiting lists:

- Convert public housing to vouchers:
- Other: (list below)

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

- PHA Goal: Improve the quality of life & promote self sufficiency for families  
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:  
*Measure: HA will address security concerns in RASS by budgeting for lighting improvements in the projects, secure local police for patrols, encourage residents to communicate with staff about problems*
  - Designate developments or buildings for particular resident groups (elderly, persons with disabilities)  
*Measure: HA will request designation from HUD that the four one-bedroom units in the Mt006001 project by designated elderly/disabled.*
  - Other: (list below)  
*Measure: Residents and the Board of Commissioners overwhelming support the construction of a community building which would house offices, meeting space, computer lab, etc. HA will assess the feasibility of such a structure.*  
*Expand supportive services to residents by linking programs provided by public and private agencies to our community.*  
*Transportation Develop partnerships with existing programs to increase the availability of transportation, public and private.*

**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:  
*Measure: Due to TANF requirements, many families have at least one employed member, HA will adopt the policy to encourage all adults in household to become employed.*
  - Provide or attract supportive services to improve assistance recipients' employability:  
*Measure: PHA will contract with agency to provide supportive services for public housing residents. HA is already involved with supportive services through its similar corporation, Crestwood Inn. Supportive services will assist HA with families who request this type of service.*
  - Provide or attract supportive services to increase independence for the elderly or

families with disabilities.

*Measure: HA will increase participation with supportive services to assist the elderly and families with disabilities with an action plan*

Other: (list below)

*Measure: HA will determine the feasibility of acquiring transportation bus for local residents who do not have transportation.*

### **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:

*Measure: RCHA will review policies for compliance*

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:

*Measure: HA will on an annual basis complete a report on fair housing activities and practices HA will with the assistance of Supportive Services provide more information to the community to raise the awareness of housing services available.*

Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:

*Measure: HA will renovate 10% of units with different bedroom sizes for 504 accessible features. 10% will include the 4 units already completed. HA will improve the landscaping of properties to make more units accessible and develop plans for community center.*

Other: (list below)

### **Other PHA Goals and Objectives: (list below)**

PHA Goal: To promote and provide for a highly skilled and dedicated staff and Board of Commissioners.

Objectives:

Undertake personnel review on an annual basis.

*Measure: HA will require E.D. to perform assessment of job descriptions, review personnel policy, perform appraisals of staff, document feedback to the board. The Board shall be responsible for E.D. appraisal..*

Prepare needs and priorities plan for staff, management and board training for the next five years.

*Measure: HA will improve the abilities of the staff by providing inhouse training or send staff to appropriate sites for additional schooling.*

Increase Board and staff Participation in furthering the goals of the HA and recognize and appreciate staff contribution:

*Measure: HA will develop informative program for commissioners, who will present the information to other community groups. Staff shall be rewarded for exemplary efforts.*



Monitor and Evaluation Progress of Plan:

*Measure: Each year the Executive Director and Staff will present detailed report on progress of training provided by HA.*

## Streamlined Annual PHA Plan PHA Fiscal Year 2005 [24 CFR Part 903.12(b)]

### Table of Contents

Provide the following table of contents for the streamlined Annual Plan submitted with the Five-Year Plan, including all streamlined plan components, and additional requirements, together with the list of supporting documents available for public inspection.

#### A. ANNUAL STREAMLINED PHA PLAN COMPONENTS

<input checked="" type="checkbox"/>	1. Housing Needs	9-13
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<input checked="" type="checkbox"/>	5. Capital Improvements Needs	25-26
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<input checked="" type="checkbox"/>	8. Civil Rights Certifications (included with PHA Certifications of Compliance)	
<input checked="" type="checkbox"/>	9. Additional Information	
	a. PHA Progress on Meeting 5-Year Mission and Goals <i>Attachment</i>	
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<input type="checkbox"/>	14. Other (List below, providing name for each item)	

#### B. SEPARATE HARD COPY SUBMISSIONS TO LOCAL HUD FIELD OFFICE

**Form HUD-50077, PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans;**

**Certification by State or Local Official of PHA Plan Consistency with Consolidated Plan.**

For PHAs APPLYING FOR CAPITAL FUND PROGRAM (CFP) GRANTS:

**Form HUD-50070, Certification for a Drug-Free Workplace;**

**Form HUD-50071, Certification of Payments to Influence Federal Transactions;**

**Form SF-LLL & SF-LLL a, Disclosure of Lobbying Activities**

**Executive Summary (optional)**

[903.7(r)]. If desired, provide a brief overview of the contents of the streamlined 5-Year/Annual Plan.

*Attachment*

**1. Statement of Housing Needs** [24 CFR Part 903.12 (b), 903.7(a)]

**A. 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 PHA’s Waiting Lists			
Waiting list type: (select one)			
<input type="checkbox"/> Section 8 tenant-based assistance			
<input checked="" type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	22		
Extremely low income <=30% AMI	15	68%	
Very low income (>30% but <=50% AMI)	4	18%	
Low income (>50% but <80% AMI)	3	14%	
Families with children	9	41%	
Elderly families	0	0	
Families with Disabilities	0	0	
Race/ethnicity white	19	86%	
Race/ethnicity native amer	3	14%	
Race/ethnicity			
Race/ethnicity			
Characteristics by Bedroom Size (Public Housing Only)			
1BR	6	27%	
2 BR	11	50%	
3 BR	4	18%	
4 BR	1	5%	
5 BR	0		
5+ BR	0		
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)?			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed?			
<input type="checkbox"/> No <input type="checkbox"/> Yes			

Housing Needs of Families on the PHA's Waiting Lists			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	21		
Extremely low income <=30% AMI	17	81%	
Very low income (>30% but <=50% AMI)	4	19%	
Low income (>50% but <80% AMI)	0	0	
Families with children	17	81%	
Elderly families	0	0	
Families with Disabilities	0	0	
Race/ethnicity	19	88%	
Race/ethnicity	1	6%	
Race/ethnicity	1	6%	
Race/ethnicity			
Characteristics by Bedroom Size (Public Housing Only)			
1BR	4	19%	
2 BR	10	47%	
3 BR	6	28%	
4 BR	1	6%	
5 BR			
5+ BR			
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)?			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed?			
<input type="checkbox"/> No <input type="checkbox"/> Yes			

**B. Strategy for Addressing Needs**

Provide a brief description of the PHA's strategy for addressing the housing needs of families on the PHA's public housing and Section 8 waiting lists **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

**(1) Strategies**

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

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

Select all that apply

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

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

Select all that apply

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

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

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

Select all that apply

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

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

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

Select all that apply

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

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

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

Select all that apply

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

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

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

Select all that apply

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

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

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

Select if applicable

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

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

Select all that apply

- Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units

- Market the section 8 program to owners outside of areas of poverty /minority concentrations
- Other: (list below)

**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 903.12 (b), 903.7 (c)]

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

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2005 grants)</b>		
a) Public Housing Operating Fund	258,825	
b) Public Housing Capital Fund	164,000	
c) HOPE VI Revitalization	0	
d) HOPE VI Demolition	0	
e) Annual Contributions for Section 8 Tenant-Based Assistance	205,000	
f) Resident Opportunity and Self-Sufficiency Grants	0	
g) Community Development Block Grant	0	
h) HOME	0	
Other Federal Grants (list below)	0	

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
<b>3. Public Housing Dwelling Rental Income</b>	98,820	
<b>4. Other income (list below)</b>		
<b>Contract management</b>	12,880	
<b>4. Non-federal sources (list below)</b>		
<b>Total resources</b>	739,525	

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

[24 CFR Part 903.12 (b), 903.7 (b)]

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

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

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

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

- When families are within a certain number of being offered a unit: (state number)
- When families are within a certain time of being offered a unit: (state time) 30 days
- 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. Site-Based Waiting Lists-Previous Year

1. Has the PHA operated one or more site-based waiting lists in the previous year? If yes, complete the following table; if not skip to d.

<b>Site-Based Waiting Lists</b>				
<b>Development Information:</b> (Name, number, location)	<b>Date Initiated</b>	<b>Initial mix of Racial, Ethnic or Disability Demographics</b>	<b>Current mix of Racial, Ethnic or Disability Demographics since Initiation of SBWL</b>	<b>Percent change between initial and current mix of Racial, Ethnic, or Disability demographics</b>

2. What is the number of site based waiting list developments to which families may apply at one time? \_\_\_

3. How many unit offers may an applicant turn down before being removed from the site-based waiting list? \_\_\_

4.  Yes  No: Is the PHA the subject of any pending fair housing complaint by HUD or any court order or settlement agreement? If yes, describe the order, agreement or complaint and describe how use of a site-based waiting list will not violate or be inconsistent with the order, agreement or complaint below:

d. Site-Based Waiting Lists – Coming Year

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

- Over-housed
- Under-housed
- 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)

*Elderly are admitted over other single adults*

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

Date and Time

Former Federal preferences:

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

- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden

Other preferences (select all that apply)

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

4. Relationship of preferences to income targeting requirements:

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

**(5) Occupancy**

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

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

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

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

**(6) Deconcentration and Income Mixing**

- a.  Yes  No: Does the PHA have any general occupancy (family) public housing developments covered by the deconcentration rule? If no, this section is complete. If yes, continue to the next question.

- b.  Yes  No: Do any of these covered developments have average incomes above or below 85% to 115% of the average incomes of all such developments? If no, this section is complete. If yes, list these developments on the following table:

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

## 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):
  - 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)  
*Violent or Sexual Offender Registration from State Site*

### (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: If leasing is delayed due to landlord preparation of unit.

**(4) Admissions Preferences**

a. Income targeting

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

b. Preferences

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

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

Former Federal preferences

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

Other preferences (select all that apply)

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

- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s) (list below)

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

- Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

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

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

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

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

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

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

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

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

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

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

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

- Through published notices
- Other (list below)

**4. PHA Rent Determination Policies**

[24 CFR Part 903.12(b), 903.7(d)]

**A. Public Housing**

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

**(1) Income Based Rent Policies**

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

a. Use of discretionary policies: (select one of the following two)

- 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))
- 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:

Admissions/Occupancy Policy

c. Rents set at less than 30% of 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)
- 95<sup>th</sup> percentile rents
- 75 percent of operating costs
- 100 percent of operating costs for general occupancy (family) developments
- Operating costs plus debt service
- The "rental value" of the unit
- Other (list below)

f. Rent re-determinations:

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

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

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

## **(2) Flat Rents**

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

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

## **B. Section 8 Tenant-Based Assistance**

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

### **(1) Payment Standards**

Describe the voucher payment standards and policies.

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

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

b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)

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

c. If the payment standard is higher than FMR, why has the PHA chosen this level? (select all that apply)

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

d. How often are payment standards reevaluated for adequacy? (select one)

- Annually
- Other (list below)

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)

- Success rates of assisted families
- Rent burdens of assisted families
- Other (list below)

## **(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)

HCV Administration Policy 11.5 Assistance and Rent Formulas

## **5. Capital Improvement Needs**

[24 CFR Part 903.12(b), 903.7 (g)]

Exemptions from Component 5: Section 8 only PHAs are not required to complete this component and may skip to Component 6.

## A. Capital Fund Activities

Exemptions from sub-component 5A: PHAs that will not participate in the Capital Fund Program may skip to component 5B. All other PHAs must complete 5A as instructed.

### (1) Capital Fund Program

- a.  Yes  No Does the PHA plan to participate in the Capital Fund Program in the upcoming year? If yes, complete items 12 and 13 of this template (Capital Fund Program tables). If no, skip to B.
- b.  Yes  No: Does the PHA propose to use any portion of its CFP funds to repay debt incurred to finance capital improvements? If so, the PHA must identify in its annual and 5-year capital plans the development(s) where such improvements will be made and show both how the proceeds of the financing will be used and the amount of the annual payments required to service the debt. (Note that separate HUD approval is required for such financing activities.).

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

Applicability of sub-component 5B: 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.

### (1) Hope VI Revitalization

- a.  Yes  No: Has the PHA received a HOPE VI revitalization grant? (if no, skip to next component; if yes, provide responses to questions on chart below 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)  
Development name:  
Development (project) number:  
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
- c.  Yes  No: Does the PHA plan to apply for a HOPE VI Revitalization grant in the

Plan year? If yes, list development name/s below:

d.  Yes  No: 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:

e.  Yes  No: 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:

**6. Demolition and Disposition**

[24 CFR Part 903.12(b), 903.7 (h)]

Applicability of component 6: Section 8 only PHAs are not required to complete this section.

a.  Yes  No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 or 24 (Hope VI) of the U.S. Housing Act of 1937 (42 U.S.C. 1437p) or Section 202/Section 33 (Mandatory Conversion) in the plan Fiscal Year? (If “No”, skip to component 7; if “yes”, complete one activity description for each development on the following chart.)

<b>Demolition/Disposition Activity Description</b>
1a. Development name: Sunset Homes 1b. Development (project) number: Mt006-001
2. Activity type: Demolition <input checked="" type="checkbox"/> Disposition <input type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: (03/01/2005)
5. Number of units affected: 8
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 06/01/2005 b. Projected end date of activity: 12/31/2008

<b>Demolition/Disposition Activity Description</b>
1a. Development name: Acquisition 1b. Development (project) number: Mt006-005
2. Activity type: Demolition <input checked="" type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: (06/01/2005)

5. Number of units affected: 6
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity:12/01/2005 b. Projected end date of activity:12/31/2008

**7. Section 8 Tenant Based Assistance--Section 8(y) Homeownership Program**

[24 CFR Part 903.12(b), 903.7(k)(1)(i)]

(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 the next component; if “yes”, complete each program description below (copy and complete questions for each program identified.)

**(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, what is the maximum number of participants this fiscal year? \_\_

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:

c. What actions will the PHA undertake to implement the program this year (list)?

**(3) Capacity of the PHA to Administer a Section 8 Homeownership Program**

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

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

b.  Requiring that financing for purchase of a home under its Section 8 homeownership will be provided, insured or guaranteed by the state or Federal government; comply with secondary mortgage market underwriting requirements; or comply with generally accepted private sector underwriting standards.

c.  Partnering with a qualified agency or agencies to administer the program (list name(s) and years of experience below).

- d.  Demonstrating that it has other relevant experience (list experience below).

## **8. Civil Rights Certifications**

[24 CFR Part 903.12 (b), 903.7 (o)]

Civil rights certifications are included in the *PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans*, which is submitted to the Field Office in hard copy—see Table of Contents.

## **9. Additional Information**

[24 CFR Part 903.12 (b), 903.7 (r)]

### **A. PHA Progress in Meeting the Mission and Goals Described in the 5-Year Plan**

*(Provide a statement of the PHA's progress against the goals and objectives established in the previous 5-Year Plan for the period FY 20\_\_ - 20\_\_.)*

### **B. Criteria for Substantial Deviations and Significant Amendments**

#### **(1) Amendment and Deviation Definitions**

24 CFR Part 903.7(r)

PHAs are required to define and adopt their own standards of substantial deviation from the 5-year Plan and Significant Amendment to the Annual Plan. The definition of significant amendment is important because it defines when the PHA will subject a change to the policies or activities described in the Annual Plan to full public hearing and HUD review before implementation.

- a. Substantial Deviation from the 5-Year Plan
  1. Any material change that would result in a goal being removed from the plan.
  2. Any material change that would result in an objective being removed from the plan.
- b. Significant Amendment or Modification to the Annual Plan:
  1. Any change or revision to a HA goal or objective, when such change will clearly affect the anticipated performance outcome.
  2. Changes and or revisions may include:
    - a. Rent calculation changes
    - b. Revisions to admission/occupancy policies including the grievance procedure requirements.
    - c. Revisions to the waiting list and its management
    - d. Revisions to the Housing Choice Voucher Administration Policy

### **C. Other Information**

[24 CFR Part 903.13, 903.15]

#### **(1) Resident Advisory Board Recommendations**

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

If yes, provide the comments below:

b. 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)

#### **(2) Resident Membership on PHA Governing Board**

The governing board of each PHA is required to have at least one member who is directly assisted by the PHA, unless the PHA meets certain exemption criteria. Regulations governing the resident board member are found at 24 CFR Part 964, Subpart E.

a. Does the PHA governing board include at least one member who is directly assisted by the PHA this year?

Yes  No:

If yes, complete the following:

Name of Resident Member of the PHA Governing Board: *Douglas Wacker*

Method of Selection:

Appointment

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

*12/31/2008*

Election by Residents (if checked, complete next section--Description of Resident Election Process)

#### **Description of Resident Election Process**

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)

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)

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)

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

- The PHA is located in a State that requires the members of a governing board to be salaried and serve on a full time basis
- The PHA has less than 300 public housing units, has provided reasonable notice to the resident advisory board of the opportunity to serve on the governing board, and has not been notified by any resident of their interest to participate in the Board.
- Other (explain):

Date of next term expiration of a governing board member: *12/31/2005*

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

**(3) PHA Statement of Consistency with the Consolidated Plan**

[24 CFR Part 903.15]

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

**Consolidated Plan jurisdiction: (provide name here)**

**State of Montana**

a. 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 on its waiting list 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)

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

**(4) (Reserved)**

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

### **10. Project-Based Voucher Program**

- a.  Yes  No: Does the PHA plan to “project-base” any tenant-based Section 8 vouchers in the coming year? If yes, answer the following questions.
- b.  Yes  No: Are there circumstances indicating that the project basing of the units, rather than tenant-basing of the same amount of assistance is an appropriate option?

If yes, check which circumstances apply:

- Low utilization rate for vouchers due to lack of suitable rental units
- Access to neighborhoods outside of high poverty areas
- Other (describe below:)

- c. Indicate the number of units and general location of units (e.g. eligible census tracts or smaller areas within eligible census tracts):

### 11. List of Supporting Documents Available for Review for Streamlined Five-Year/ Annual PHA Plans

PHAs are to indicate which documents are available for public review by placing a mark in the “Applicable & On Display” column in the appropriate rows. 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	Related Plan Component
✓	<i>PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Standard Annual, Standard Five-Year, and Streamlined Five-Year/Annual Plans.</i>	Standard 5 Year and Annual Plans; streamlined 5 Year Plans
✓	State/Local Government Certification of Consistency with the Consolidated Plan.	5 Year Plans
✓	Fair Housing Documentation Supporting Fair Housing Certifications: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions’ initiatives to affirmatively further fair housing that require the PHA’s involvement.	5 Year and Annual Plans
✓	Housing Needs Statement of the Consolidated Plan for the jurisdiction(s) in which the PHA is located and any additional backup data to support statement of housing needs for families on the PHA’s public housing and Section 8 tenant-based waiting lists.	Annual Plan: Housing Needs
✓	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources
✓	Public Housing Admissions and (Continued) Occupancy Policy (A&O/ACOP), which includes the Tenant Selection and Assignment Plan [TSAP] and the Site-Based Waiting List Procedure.	Annual Plan: Eligibility, Selection, and Admissions Policies
✓	Any policy governing occupancy of Police Officers and Over-Income Tenants in Public Housing. <input checked="" type="checkbox"/> Check here if included in the public housing A&O Policy.	Annual Plan: Eligibility, Selection, and Admissions Policies
✓	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
✓	Public housing rent determination policies, including the method for setting public housing flat rents. <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
✓	Schedule of flat rents offered at each public housing development. <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
✓	Section 8 rent determination (payment standard) policies (if included in plan, not necessary as a supporting document) and written analysis of Section 8 payment standard policies. <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Rent Determination
✓	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
✓	Results of latest Public Housing Assessment System (PHAS) Assessment (or other applicable assessment).	Annual Plan: Management and Operations
✓	Follow-up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary)	Annual Plan: Operations and Maintenance and Community Service & Self-Sufficiency
✓	Results of latest Section 8 Management Assessment System (SEMAP)	Annual Plan: Management and Operations
✓	Any policies governing any Section 8 special housing types	Annual Plan: Operations

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
	<input checked="" type="checkbox"/> check here if included in Section 8 Administrative Plan	and Maintenance
n/a	Consortium agreement(s).	Annual Plan: Agency Identification and Operations/ Management
✓	Public housing grievance procedures <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Grievance Procedures
✓	Section 8 informal review and hearing procedures. <input checked="" type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
✓	The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year.	Annual Plan: Capital Needs
✓	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants.	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
✓	Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. See PIH Notice 99-52 (HA).	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, Section 22 of the US Housing Act of 1937, or Section 33 of the US Housing Act of 1937.	Annual Plan: Conversion of Public Housing
n/a	Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion.	Annual Plan: Voluntary 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 (Section _____ of the Section 8 Administrative Plan)	Annual Plan: Homeownership
✓	Public Housing Community Service Policy/Programs <input checked="" type="checkbox"/> Check here if included in Public Housing A & O Policy	Annual Plan: Community Service & Self-Sufficiency
✓	Cooperative agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies.	Annual Plan: Community Service & Self-Sufficiency
n/a	FSS Action Plan(s) for public housing and/or Section 8.	Annual Plan: Community Service & Self-Sufficiency
n/a	Section 3 documentation required by 24 CFR Part 135, Subpart E for public housing.	Annual Plan: Community Service & Self-Sufficiency
n/a	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports for public housing.	Annual Plan: Community Service & Self-Sufficiency
✓	Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G). <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy.	Pet Policy
✓	The results of the most recent fiscal year audit of the PHA conducted under the Single Audit Act as implemented by OMB Circular A-133, the results of that audit and the PHA's response to any findings.	Annual Plan: Annual Audit
n/a	Consortium agreement(s), if a consortium administers PHA programs.	Joint PHA Plan for Consortia
n/a	Consortia Joint PHA Plans ONLY: Certification that consortium agreement is in compliance with 24 CFR Part 943 pursuant to an opinion of counsel on file and available for inspection	Joint PHA Plan for Consortia
	Other supporting documents (optional). List individually.	(Specify as needed)

PHA Name:  
HA Code:

5-Year Plan for Fiscal Years: 20\_\_ - 20\_\_

Annual Plan for FY 20\_\_

## 12. Capital Fund Program and Capital Fund Program Replacement Housing Factor Annual Statement/Performance and Evaluation Report

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary					
PHA Name: RICHLAND COUNTY HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No:			Federal FY of Grant: 2005
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no: ) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements	12,000.00			
4	1410 Administration	12,000.00			
5	1411 Audit	1,500.00			
6	1415 Liquidated Damages				
7	1430 Fees and Costs	30,000.00			
8	1440 Site Acquisition				
9	1450 Site Improvement	10,000.00			
10	1460 Dwelling Structures	125,000.00			
11	1465.1 Dwelling Equipment—Nonexpendable	25,000.00			
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	215,500.00			
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs				
25	Amount of Line 21 Related to Security – Hard Costs				

**12. Capital Fund Program and Capital Fund Program Replacement Housing Factor Annual Statement/Performance and Evaluation Report**

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary					
PHA Name: RICHLAND COUNTY HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No:			Federal FY of Grant: 2005
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no: ) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
26	Amount of line 21 Related to Energy Conservation Measures				

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part II: Supporting Pages								
PHA Name: Richland County Housing			Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No:			Federal FY of Grant: 2005		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
HA Wide	HTVE Satellite Equipment	1408		12,000				
HA Wide	Administration	1410		12,000				
HA Wide	Audit Cost	1411		1,500				
HA Wide	Preliminary Architectural Review	1430		30,000				
HA Wide	Appliances	1465		10,000				

**12. Capital Fund Program and Capital Fund Program Replacement Housing Factor Annual Statement/Performance and Evaluation Report**

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part II: Supporting Pages								
PHA Name: Richland County Housing			Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No:			Federal FY of Grant: 2005		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
Mt.006-004	Dwellings	1460		125,000				
Mt.006-004	Dwelling Equipment	1465		15,000				
Mt.006-005	Site Improvement	1450		10,000				

**13. Capital Fund Program Five-Year Action Plan**

<b>Annual Statement/Performance and Evaluation Report</b> <b>Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)</b> <b>Part III: Implementation Schedule</b>							
PHA Name: Richland County Housing		<b>Grant Type and Number</b> Capital Fund Program No: Replacement Housing Factor No:				Federal FY of Grant: 2005	
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
HA Wide	01/01/06						
HA Wide	01/01/06						
HA Wide	06/01/06						
HA Wide	06/01/06						
HA Wide	06/01/07						
Mt006-004	06/01/07						
Mt006-004	06/01/07						
Mt006-005	06/01/07						

### 13. Capital Fund Program Five-Year Action Plan

<b>Capital Fund Program Five-Year Action Plan</b>					
<b>Part I: Summary</b>					
PHA Name Richland County Housing Authoirty			<input checked="" type="checkbox"/> <b>Original 5-Year Plan</b> <input type="checkbox"/> <b>Revision No:</b>		
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2 FFY Grant: PHA FY:	Work Statement for Year 3 FFY Grant: PHA FY:	Work Statement for Year 4 FFY Grant: PHA FY:	Work Statement for Year 5 FFY Grant: PHA FY:
	Annual Statement				
HA Wide		60,000	30,000	250,000	45,000
Mt006-001		60,000	125,000	175,000	440,000
Mt006-002		60,000	135,000	45,000	285,000
Mt006-004		60,000		60,000	
Mt006-005					
CFP Funds Listed for 5-year planning		240,000	290,000	530,000	770,000
Replacement Housing Factor Funds					





## Public Housing Reform and the PHA Plan

Richland County's Public Housing Program was created in 1950 and since that time the federal government has changed course several times on how the housing is to be funded and more importantly how the agencies, Public Housing Authorities (PHA), which operate housing will account for their progress. Congress acted upon a reform plan by adopting new public housing reform legislation enacted in 1998. The goal of the public housing reform is to make housing authorities more accountable and to give them more flexibility and control over how federal public housing and Section 8 funds are used in their communities.

Along with this flexibility and control come new requirements, including the creation of a new five-year comprehensive document known as the Public Housing Agency Plan (PHA Plan). Each PHA is required to complete a PHA Plan that describes the agency's overall mission for serving low-income and very low-income families, and the activities that will be undertaken to meet the housing needs of these families. Federal law requires that HUD approves this plan before a PHA can receive HUD funds.

The PHA Plan is intended to describe:

- ▶ the housing needs of the community;
- ▶ the strategies to address these needs; and
- ▶ the priorities for funding for a five-year period that reflect these strategies.

Each year, an annual action plan is also prepared that details the actual housing activities that will be funded to further the goals and objectives laid out in the five-year plans.

Federal officials created the PHA Plan process based on the idea that local government and citizens, rather than the federal government, should be empowered to make affordable housing and community development decisions for their community. In order to ensure some community participation in this process, HUD established requirements regarding citizen participation, consultation with public and private services providers, and solicitation of feedback from residents and members of the community. (*"Opening Doors"*, a publication of the Technical Assistance Collaborative, Inc. and the Consortium for Citizens with Disabilities Housing Task Force)

## Citizen Participation

The development of a PHA Plan involves "*consultation with affected groups.*" Specifically, HUD requires that PHAs create a Resident Advisory Board that is comprised of public housing tenants and Section 8 program participants. This group is responsible for making recommendations regarding the development of both the five-year comprehensive PHA Plan and the annual action plan. Although, HUD does not specify how the PHA should solicit members for the Resident Advisory Board, HUD does state that the "membership must adequately reflect and represent the residents assisted by the PHA."

## Demographics

Richland County located on 2,084 square miles in eastern Montana has a population of 9,343, according to the U.S. Census Bureau 2001 (estimate). This estimate reflects a population increase from the year 2000, in which, Richland County's total population was 9,667, including 3,878 households.

	<u>Richland County</u>	<u>Montana</u>
<i>White Persons</i>	96.6%	90.6%
<i>Persons &gt; 65</i>	15.6%	13.4%

Of this 9,667 population, Richland County's demographics associated with the number of white persons exceed the State's statistical

average. The percentage of persons over 65 in Richland County is also higher than the State's figure. Furthermore, Richland County's elderly population is comprised mainly of female persons (877) with 627 males residing within the area. As for persons with a disability, Richland County has recorded a target population of 1,484 individuals, over the age 5+.

The following data from the U.S. Census Bureau also reflects Richland County has a distinctive population that has a slight deviation to the demographics that are documented in Montana, as a State average.

	<b>Richland County</b>	<b>Montana</b>
▶ Persons under 5 years old, percent, 2000	5.8%	6.1%
▶ Persons under 18 years old, percent, 2000	27.5%	25.5%
▶ Female persons, percent, 200	50.3%	50.2%

A slight negative variance is evident with respect to income levels; Richland County does not meet or surpass, the State's measure, in terms of wealth, as the following table demonstrates:

	<b>Richland County</b>	<b>Montana</b>
▶ Median Household Money Income, 1999	\$32,100	\$33,024
▶ Per Capita Money Income, 1999	\$16,006	\$17,151
▶ Persons Below Poverty, Percent, 1999	12.2%	14.6%

Furthermore, 72.4% of Richland County's families and/or individuals are homeowners with an average mortgage payment of \$684. The number of homeowners in Richland County transcends the trend reflected in Montana with 69.1% of the State's population owning their own homes. Accordingly, the 16.1% of housing units in multi-unit structures in Richland County is comparable to the State's average percent of 15.7%.

### **Median Value of Owner-Occupied Housing Units, 2000**

*Richland County: \$61,000 Montana: \$99,500*

The average rental payment in Richland County is \$277 monthly. To provide an overall illustration of Richland

County's housing infrastructure, the following information has been translated to describe not only the housing market, but also to illustrate a noticeable difference in the local versus the State's medial value of owner occupied housing units:

<b>Richland County</b>			
Number of Homeowners:	2,806	Number of Renters:	1,072
Number of Housing Units:	4,557	Number of Vacant Housing Units:	603

## RCHA Planning Process

To facilitate RCHA Planning Process, a two (2) day workshop involving its Board of Commissioners and staff met on October 6 and 7, 2004. The workshop provided RCHA an environment conducive to not only explore the community's housing needs, but also, allow strategies and priorities of funding to be evolved. This environment was mediated by Kathleen McNeil, Instructor with Professional Development Center for the State of Montana's Department of Commerce.

## RCHA's Planning Committee

- ▶ Paul Groshart, RCHA's Executive Director
- ▶ Renita Welnel, Office Manager
- ▶ Deb Gilbert, Crestwood Inn's On-Site Manager, an independent living rental assistance facility for elderly and disabled with very low to low incomes.
- ▶ Del Zadow, Crestwood Inn's Maintenance Supervisor
- ▶ Rod Torgerson, RCHA's Maintenance Supervisor
- ▶ Meredith Aldren-Cutler, Crestwood Inn's Support Service Coordinator & Grant Consultant
- ▶ Craig Price, Commissioner
- ▶ Diane Ford, Commissioner
- ▶ Robert Rauschendorfer, Commissioner
- ▶ Jerry Gardner, Commissioner
- ▶ Raymond Goss, Commissioner
- ▶ Doug Wacker, Commissioner

## Financial Resources included in the Public Housing Agency Plan

- ▶ Section 8 Tenant Based Rental Assistance
- ▶ Public Housing Operating Fund
- ▶ Public Housing Capital Funds
- ▶ Proposed grants

The Richland County Housing Authority of Sidney, Montana for the past fifty years has a primary mission, “*the purpose of our programs is to promote housing and homes that are affordable to low-income families in a safe and healthy environment*” within Richland County.

The RCHA will achieve its mission as follows:

- ▶ By providing housing assistance opportunities to low-income families and the elderly.
- ▶ By increasing the number of opportunities for low-income families to achieve self-sufficiency.
- ▶ By its commitment to provide affordable, safe and sanitary housing to eligible applicants, and residents in occupancy.

## Goals & Objectives

- ▶ To maintain an adequate inventory of decent, safe and affordable housing in the region.
- ▶ To ensure equal opportunity in housing
- ▶ To improve the quality of life and promote self-sufficiency for low-income families.
- ▶ Promote highly-skilled and motivated Board of Commissioners and staff

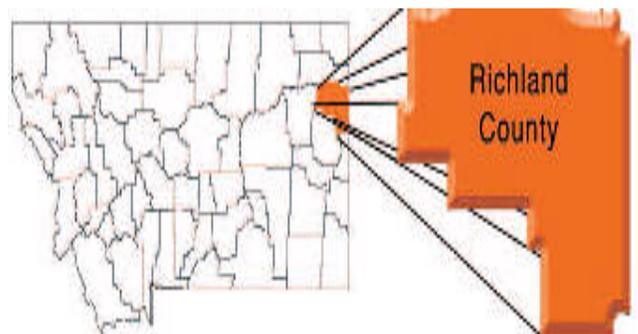
## Five Year Plan (2005-2009)

Over the next five (5) years, RCHA will continue to improve its operations and attain the goals stated below. RCHA will complete many of its objectives within the five year period. Those objectives not met in the past five years gave RCHA an overall understanding of the obstacles encountered; therefore, allowing an evolution of step-by-step measures that need to be taken to tackle that specific goal in the future. The Five Year Plan for 2000-2005 also gave RCHA a solid foundation, in which, to build upon subsequent action plans. To demonstrate RCHA success, the following table gives an insight on the goals, objectives and measures proposed.:

<b>INCREASE THE AVAILABILITY OF DECENT, SAFE &amp; AFFORDABLE HOUSING</b>		
<b><i>Goal #1: Expand the supply of marketable units</i></b>		<b>Measure</b>
Reduce public housing vacancies by 10%		PHA will reduce the number of vacancy days from the 2003 baseline of 1579 days
Leverage private or public housing funds to create additional housing opportunities		PHA will continue to apply for grants from the CDBG, HOME, LIGTC, or FHLB programs
Acquire or build units or developments		PHA is pursuing the acquisition of several properties owned by private individuals who have United States Department of Agriculture loans. Presently PHA has option on 48 units
<b><i>Goal #2: Improve the quality of existing housing</i></b>		<b>Measure</b>
Starting with FY2005 improve our PHAS score.		PHA has been a Standard Performer under the Public Housing Assessment Program. PHA will attain High Performer Status within five years
Maintain High Performer rating in the Section Eight Management Assessment Program (SEMAP)		PHA is scored every other year under this program. Has scored 90% and 100% in the last two cycles.
Increase customer satisfaction.		PHA will improve the Resident Assessment SubSystem scores.
Improve specific management functions.		PHA will increase staff training allocated hours and provide one site quality inspections more than annually
Renovate and rehabilitate public housing unites		PHA will have prepared a Preliminary Architectural Review of all PHA projects
Demolish or Dispose of obsolete projects		PHA will complete a demo/dispo plan
Provide for replacement housing		Dependent upon demo/dispo

		application approval
<b><i>Goal #3: Increase housing choices</i></b>		<b>Measure</b>
Implement homeownership programs.		PHA will use the demo/dispo application as a platform to sell three homes to low-income families.
In the year 2000, the non-profit will attempt to purchase USDA properties in Richland County		Complete USDA and Berger acquisition
Starting with FY2001 we will partner with other agencies and banks to conduct homeownership classes.		
<b>IMPROVE COMMUNITY QUALITY OF LIFE &amp; ECONOMIC VITALITY</b>		
<b><i>Goal #1: Implement measures to deconcentrate Housing Authority projects</i></b>		<b>Measure</b>
Flat rates were implemented to allow higher income families to occupy vacant public housing units.		Monitoring will be done to review effects of the program.
<b><i>Goal #2: During rehabilitation, efforts will be made to add security improvements .</i></b>		<b>Measure</b>
PHA will attempt to procure additional security services for Sidney Project		Increase score in RASS subsystem of the PHAS program. Reduce police calls to projects
<b>PROMOTE SELF-SUFFICIENCY &amp; ASSET DEVELOPMENT OF FAMILIES &amp; INDIVIDUALS</b>		
<b><i>Goal #1: Promote self-sufficiency &amp; asset development of families &amp; individuals</i></b>		<b>Measure</b>
Will provide at on-site supportive services for residents		Applying for a ROSS grant to have program in place within two years
Will actively participate with other public agencies to improve the quality of life for our residents.		Will log meetings attended
Will be a "work site" for the Welfare Reform Program.		Number of participants during the year
Will increase the number of families employed		Will monitor families available for employment and will record the improvements
Will adopt policies by March of 2006 to allow families to keep more of their income.		Admission and Occupancy policy is revised every two years to account for changes in Federal Public Policy
<b>ENSURE EQUAL OPPORTUNITY IN HOUSING FOR ALL AMERICANS</b>		
<b><i>Goal #1: Continue affirmative action measures</i></b>		<b>Measure</b>
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 ensure accessible housing to persons with all varieties of Disabilities regardless of unit size required.		

In the past year, Richland County experienced an economic surge with the “booming” of oil production. It is anticipated, this oil boom will continue strongly for the next five (5) years; however, it can not be confirmed since the continual impact is controlled by world supply factors. Therefore, RCHA has evaluated documented trends, such as, per capita personal income, population, to assist in recognizing housing priorities and the actions required to meet those needs.



According to the U.S. Bureau of the Census, Richland County has not witness consecutive years of growth since 1990 as the following table demonstrates:

Richland County Population Source: U.S. Bureau of the Census							
Area	7/1/2003 Estimate	7/1/2002 Estimate	4/1/2000 Census	4/1/1990 Census	Percent Change 2002-2003	Percent Change 2000-2003	Percent Change 1990-2000
Montana	917,621	910,372	902,195	799,065	0.8%	1.7%	12.9%
Richland County	9,155	9,263	9,667	10,716	-1.2%	-5.3%	-9.8%
Fairview	671	680	709	869	-1.3%	-5.4%	-18.4%
Sidney	4,512	4,570	4,774	5,217	-1.3%	-5.5%	-8.5%

In 1999, HUD recognized the above referenced trend and reduced the number of rental assistance contracts from 100 to 89. Presently, over 400 rental units are located in Richland County that are not subsidized, 200 additional units are subsidized. With the availability of affordable housing remaining strong, the reality of a “soft” rental and sales market indicates that median income and below median income families do not it difficult to find suitable living units in Sidney, the County’s seat. The family transitions that have occurred from assisted units to non-assisted have primarily “yo-yoed”, returning within weeks &/or months to subsidized living. Since 1986, Richland County Housing Authority has not had a waiting list for public housing units. In conjunction, the waiting list of Section 8 applicants is less than 100. These statistics documents a decreasing need for specific types of subsidized housing and programs, unless the economy shows a significant change, long-term.

The impact created by welfare reform on Richland County’s housing needs has become increasingly clearer. With recent experience as a guide, the wages ex-recipients earn (at least annually) adequately cover the costs of a modest two-bedroom rental with exceeding the income standard of 30 percent.

Furthermore, in Richland County, the elderly consumes a large number of the population. Therefore, a closer examination of the needs of the elderly has been taken into consideration when addressing these specialized problems especially in the field of

housing and services. This examination relied foremost on a separate survey conducted by the Eastern Montana Consortium which targeted specifically the elderly population in Eastern Montana. To further authenticate the findings defined by the survey results, information from the Montana's 5 Year Consolidated Plan 2001-2006 and other-related resources has also been incorporated to portray a complete picture of the magnitude and seriousness the needs of the elderly population has and will have on Eastern Montana - now and in the future:

*"Between now and year 2025, Montana will experience one of the most dramatic demographic transformations in its history. With the aging of the baby boomers and increased longevity, we will become a significantly older community. By 2025, Montana's 65 and older population is projected to constitute 20 percent of Montana's total population. The 85 and older age group is expected to increase statewide 97.5 percent over 1997 census figures. By 2025, the population in all but seven of Montana's counties will be between 18 to 40 percent citizens."* Montana's 5 Year Consolidated Plan 2001-2006

With the aging population presently exceeding the State's average of 13.4% of persons over 65, Richland County is a growing testimony to an emerging older community. The impact of this statistic is compounded by the fact that Richland County does not meet the State's averages, with respect to median household income and per capita income, as illustrated by the following data:

- ❑ The median household income of Richland County is less than the State's average of \$33,024. (Source: 2000 U.S. Census Bureau)
- ❑ According to the 2000 Census, the per capita income of Richland County is below the State's average of \$17,151.

The aging population of Richland County is becoming increasingly susceptible not only to poverty, but also to the escalating costs of health care. ***The State of Aging in Montana***, a report by the Montana Department of Public Health and Human Services, validates this ripple effect that is widely anticipated:

- ❑ *In 1990, a greater percentage (15.6 percent) of Montana's population was living below the poverty level than in 1970. However, smaller percentages (11.7 percent) of those in poverty were over the age of 65.*
- ❑ *Individuals 80 and older require more health services because they are vulnerable to functional and cognitive declines from chronic disease or acute events that can lead to hospitalization and/or institutionalization. Approximately 70 percent of this age group endures at least two co-existing chronic conditions, such as arthritis and diabetes.*
- ❑ *By 2001, Montana's 65 and older population is expected to increase to 143,010, which would constitute 14 percent of Montana's total population. Women are expected to account for 56 percent of the elderly population.*

Affordable housing for the elderly that offers supportive services is becoming a distinct need for many of Montana's aging population. The elderly, specifically in Eastern Montana, have showed a vast concern that affordable elderly housing in their communities are not available. Accordingly, the types of affordable housing that were in the most demand by the aging population in Eastern Montana are listed as follows:

- Retirement Complex (units that provide meals & possibly other services)
- Assisted Living Facility:
- Independent Living Units (not provide any services)

Assisted living facilities was also favored by Eastern Montana's elderly; however, material from the Montana 5 Year Consolidate Plan 2001-2006 explains some of the restraints that may limit a substantial number of aging adults in Eastern Montana from having this type of housing, as well as health care service, available to them:

*"The demand for assisted living facilities is determined by the size of the elderly population in need of services offered in the residences, the level of income (or family resources) available to the senior, and other types of senior living available to the person. In Montana, the demand is substantial. Unfortunately Montana's low-income elderly population (those with incomes between \$10,000 and \$15,000 annually), have the greatest need, and have the least capability for purchasing the assisted living service. The cost to live in an assisted living facility is extremely high. ... Potential demand for assisted living facilities by county for years 2002, 2007 and 2012 can be found in the Montana Assisted Living Study: Demand for Assisted Living. "*



# **ADMISSION AND OCCUPANCY POLICY FOR LOW-RENT PUBLIC HOUSING**

## **MISSION STATEMENT**

Our primary mission as an owner and manager of safe, affordable, quality, rental housing is to provide low cost housing to eligible persons and families. The Housing Authority, hereafter known as the Authority, HA, or Housing Authority, must adopt policies which will explain the regulations, rules, and procedures of the Authority as they relate to the admission of and continued occupancy of residents in public housing. The following document shall create a landlord and tenant relationship. Changes in applicable federal law or regulations, as per 24 CFR Part 900 and 24 CFR Part 5 shall supercede provisions in conflict with this policy

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- 5. NOTIFICATION TO APPLICANTS**
- 6. ELIGIBILITY FOR ADMISSIONS**
- 7. INCOME FOR ADMISSION**
- 8. OCCUPANCY STANDARDS**
- 9. INCOME DETERMINATION AND RENT CALCULATION**
- 10. VERIFICATION OF STATEMENTS & INCOME**
- 11. CRIMINAL RECORDS MANAGEMENT and POLICY**
- 12. COMMUNITY SERVICE**
- 13. LEASING REQUIREMENTS**
- 14. ANNUAL AND INTERIM EXAMINATIONS**
- 15. TRANSFERS**
- 16. SERVICE/COMPANION ANIMALS**
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## **APPENDIX**

## 1. **FAIR HOUSING**

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

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

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Authority will provide Federal/State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available at the Housing Authority office.

### 1.1. Non-Discrimination:

The HA is bound by the nondiscrimination requirements of Federal, State, and local law and the requirements of:

Title VI of the Civil Rights Act of 1964: Prohibits discrimination based on race, color, or national origin in programs receiving Federal financial assistance.

Title VIII of the Civil Rights Act of 1968: Prohibits discrimination based on race color, religion, national origin, or sex in the sale, advertising, or rental of housing.

Section 504 of the Rehabilitation Act of 1973: Prohibits discrimination based on disabilities in programs receiving Federal financial assistance.

Age Discrimination Act of 1975: Prohibits discrimination based on age in any program receiving Federal financial assistance.

Executive Order No. 11063: Required HUD to take whatever action is necessary to prohibit discrimination based on race, color, national origin, religion, creed,

Fair Housing Amendments Act of 1988: Amends Title VIII of the Civil Rights Act of 1968, prohibits discrimination in housing on the basis of disabilities and familial status; 42 USC 3602.

American Disabilities Act of 1990: P1101-336

Political affiliation. No preference will be shown any applicant because of his/her political affiliation, affiliation with any public official at any governmental level.

## 2. **REASONABLE ACCOMMODATION**

Applicants with disabilities may need a reasonable accommodation in order to take full advantage of the Housing Authority's programs. When such accommodations are granted, they do not confer special treatment or advantage for the person with the disability; rather they make the program accessible to them in a way that would otherwise not be possible due to their disability.

Communication: Anyone requesting an application will receive a Request for Reasonable Accommodation form. The form shall be completed by the applicant if he/she so desires to do so. The Admission/Occupancy technician shall:

- 2.1 Compare the definition of person with disabilities, which is different than the definition used for admission. The definition is “a person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.” If the disability is apparent, the applicant has fulfilled the first requirement of reasonable accommodation. However if the disability is not apparent or documented the Housing Authority must obtain verification that the person is affected by a disability.
- 2.2 The HA must then ascertain whether the requested accommodation is related to the disability. Although the HA may not inquire as to the nature of the disability, if said disability is apparent and the accommodation would assist the applicant in leasing than the applicant moves on to the next requirement. However, if the disability is not apparent, the HA may ask for more documentation before approving.
- 2.3 The requested accommodation must be reasonable. The Housing Authority has limited resources to make fundamental changes to public housing properties. If the cost of the accommodation would not be an undue burden, such change shall be completed within a reasonable timeframe. However, if the projected cost is over burdensome than the applicant and HA must meet to investigate and consider equally effective alternatives.
- 2.4 The applicant is considered to know what it is they need; however, the Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the programs. The cost to carry out the requests will be borne by the Housing Authority, if there is no one else willing to pay for the modifications. If another party volunteers to pay for the modification then the Housing Authority will seek to have the same entity pay for any restoration costs. This shall hold true if the tenant makes modifications at their own expense, the cost of restoring the unit shall be borne by the tenant.

### **3. POSTINGS, RIGHT TO PRIVACY, AND NOTICES**

- 3.1 Housing Authority will post or make available for all interested information in the waiting area of the office about:
  - 1) Statement of Policies and Procedures governing Admission and Continued Occupancy
  - 2) Notice of the status of the waiting list, either open or closed
  - 3) A list of Housing Authority owned developments.
  - 4) Income Limits for Admission
  - 5) Utility Allowance Schedule
  - 6) Current schedule of Routine Maintenance Charges
  - 7) Dwelling Lease
  - 8) Grievance Procedure
  - 9) Fair Housing Poster
  - 10) Equal Opportunity in Employment Poster

Non-English speaking applicants and residents: The HA will endeavor to have access to people who speak languages other than English; specifically, Spanish.

### 3.2 **Right To Privacy**

All adult members of both applicant and tenant households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information authorizes HUD and the HA to request income information for the household from specific sources listed on the form.

The Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement. Applicant or tenant information will not be released outside of HUD or the HA unless there is a signed release of information request from the applicant or tenant.

## 4. **APPLICATIONS AND WAITING LIST MANAGEMENT**

Applications can be obtained in person by visiting the Housing Authority office during business hours or by contacting the office by phone and an application will be mailed. Completed applications shall be returned to the office and the application shall be date stamped and placed on the waiting list. The application process will involve two phases; a preliminary determination of eligibility and a final determination that occurs prior to the applicant leasing a unit.

- 4.1 Management of List shall be accomplished by the date and time of the application when it is received by the staff.
- 4.2 Offers will be made after verifications of income and deductions are received by the staff. A rejection of a suitable unit will result in the applicant's name being removed from the list.
- 4.3 Tenant Selection: There shall be one list including all bedroom sizes and it will be managed according to the following:
  - 1) Date and time of application.
  - 2) Equal Preference: Income eligible Elderly and/or disabled applicants will be given preference over otherwise eligible single applicants on the public housing waiting list. The HA shall provide a preference for any victim of domestic abuse if the applicant is income eligible. The applicant must provide a recommendation from the local law enforcement or the local domestic abuse director.
  - 3) Inquiries by applicants shall be given the estimated time before an offer can be made and not the numerical position on the waiting list.
  - 4) Completed Application Form which includes;
    - i) Release of Information, Personal Declaration, and Privacy Act statement signed by all adult members.
    - ii) Declaration of citizenship or eligible immigration status forms.
    - iii) Current and prior landlord information
    - iv) And any additional information requested by the HA

- 4.4 Removal from the Waiting List: An applicant shall have their name removed from the waiting list:
- 4.4.1 By the applicant either orally or in writing
  - 4.4.2 If the applicant fails to respond to a written request from the Housing Authority
  - 4.4.3 If the applicant does not meet either the eligibility or suitability criteria for the program
  - 4.4.4 If the applicant fails to attend the admission meeting. All applicants who fail to keep any scheduled appointment will be sent a notice of termination of the process for eligibility. If the family does not appear or call to reschedule the appointment(s) required within seven (7) calendar days of notification Housing Authority will terminate the processing of the application, and the application will not be returned to the waiting list. Upon request by the applicant, the Geneva Housing Authority will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause.. If the applicant has missed three (3) scheduled appointments, the Housing Authority will terminate the processing of the application, and the application will not be returned to the waiting list. Applicants will be offered the right to an informal review before being removed from the waiting list.
- 4.5. Informal Review: If the Authority determines that an applicant does not meet the criteria for admission to public housing, a letter of determination will be delivered to the applicant. The applicant shall have 10 business days to request an informal review of the decision. The review will be conducted by the Executive Director or his designee. For more information see (Grievance Procedures).

## **5. NOTIFICATION TO APPLICANTS**

- 5.1. Eligible Applicants: Each applicant determined to be eligible shall be notified in writing of their eligibility determination.
- 5.2. Ineligible Applicants: Ineligible applicants shall be promptly notified in writing by the HA of the reasons for the determination. The written notice shall state the applicant's right, upon request and within a reasonable time, to an informal review of the determination.
- 5.3. Failure to Respond: It shall be the responsibility of the applicant to respond to all inquiries from the HA prior to admission to the program. Failure to respond to housing offer or request for information within ten calendar days will terminate applicant from the waiting list. The HA shall not be responsible for returned offers undeliverable by the U.S. Postal Service.
- 5.4. Ineligible or unresponsive applications shall be disposed after two years from the date that they were so classified.

## 6. ELIGIBILITY FOR ADMISSIONS

There are five eligibility requirements for admission to public housing. In addition to the eligibility criteria, families must also meet the Housing Authority screening criteria in order to be admitted to public housing.

- 6.1. Must qualify as a family, which can be:
  - 6.1.1 Two or more persons, with or without children, who have established a family type relationship, one whom is at least 18 years of age or has been legally emancipated in the State of Montana
  - 6.1.2 a single adult who is not elderly, disabled or the remaining member of a participating family
  - 6.1.3 a family with a child, expecting a child, or a person in the process of adopting a dependant;
  - 6.1.4 a family whose head of house or spouse (or sole member) is at least 62 years of age or disabled; and may include one or more persons living with one or more live-in aides.
- 6.2. Have an income within the income limits established by HUD.
- 6.3. Must meet citizenship/eligible immigrant criteria or qualify for eligibility based prorated income for all household members.
- 6.4. Must provide documentation of Social Security numbers for all members over the age of six.
- 6.5. Must sign consent authorization documents. All adult members of both applicant and tenant households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement. Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant. This requirement shall be implied when requesting and giving information to the Office of Public Assistance, since both parties have signed a Memorandum of Understanding for such purpose.
- 6.6. A victim of domestic abuse, who may not otherwise qualify may be admitted with flat rent provisions and lease requirements.
- 6.7. Disabled Applicants: The HA may not require or request a special showing by a disabled or similarly impaired applicant that he or she can comply with the terms of the lease based on the housing authority's speculation that the applicant's disability may make compliance more difficult. When the applicant applies for admission into public housing and the individual's eligibility for admission does not depend upon the person's disability, the HA may not inquire about the existence, severity, of any physical or mental impairment nor require proof that the applicant is capable of independent living. However, to the extent necessary to determine eligibility and rent, the HA may require applicants to provide information about the nature and extent of their disability or related conditions.

6.8. In determining eligibility, the Housing Authority must comply with PIH Notice 2004-01, Verification Guidance for Public Housing.

6.9. Screening for Suitability

The HA will enforce admission policies which allow housing families to enjoy their unit by prohibiting any actions that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants. For more information regarding Criminal Background checks see Section 11. Otherwise eligible families will be denied admission if they fail to meet suitability criteria.

- 6.9.1 Applicant has demonstrated unsatisfactorily by past performance the ability to pay such rent as determined by the HA; demonstrated through unacceptable references the ability to conduct themselves in a manner that will impair the environment and/or security of other tenants; demonstrated by past performance that family members are unlikely to obey all rules and regulations in the lease;
- 6.9.2 Applicant or family member has previously been evicted from public housing or other assisted housing for violating rules and regulations.
- 6.9.3 An applicant or family member who has a record of alcohol abuse, and there is reasonable cause to believe that the applicant abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants shall not be admitted.
- 6.9.4 An applicant or applicant family member has been previously been evicted from assisted housing due to any drug related criminal activity including the manufacturing of methamphetamine.
- 6.9.5 The applicant or a member of the applicant family who by previous conviction is required to register with the State sex offender program as a lifetime requirement is not eligible for housing.
- 6.9.6 The Housing Authority will not assist families who previously vacated a public housing or assisted unit in violation of the terms of their lease or who owe the HA monies for past tenancy and have failed to make restitution or repayment prior to admissions.
- 6.9.7 Restriction on Assistance to Noncitizen: As per 24 CFR Part 5, the Housing Authority shall restrict admissions to public housing to eligible citizens or immigrants: A family shall not be eligible for assistance unless at least one member of the family residing in the unit is determined to have eligible immigration or citizenship status.
- 6.9.8 Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from.
- 6.9.9 Have a history of living or housekeeping habits which do not maintain (with or without assistance) their housing in a decent and safe condition, where such habits could adversely affect the health, safety or welfare of themselves, other tenants or the Housing Authority staff.
- 6.9.10 By past action the applicant or household member has been a peril to the

safety and welfare of others.

- 6.9.11 Do not supply information or documentation required by the application process or meets the eligibility criteria established by the Housing Authority
- 6.9.12 Have failed to respond to a written request for information or a request to declare their continued interest in the program.

#### 6.10 Denial of Participation Time Limits:

- 6.10.3 Six Months: If the applicant failed to provide information required within the time frame specified; has a history of not meeting financial obligations, especially rent; major lease violations which causes a record of disturbing neighbors, destruction of property, or living or housekeeping habits which may adversely affect others; or failure to provide adequate verifications.
- 6.10.4 Three year Limited Denial: Eviction from public or assisted housing because of drug related criminal activity; or past behavior which may be considered a threat to other tenants.
- 6.10.5 Five year Limited Denial: Conviction for drug trafficking. Conviction for drug use without an evidence of rehabilitation as established by the court; an arrest or conviction that indicates that the applicant may be a threat to other tenants; or fraud or giving false information during the initial or any subsequent certifications to the Housing Authority.
- 6.10.6 Ten year Limited Denial: History of criminal activity involving crimes of violence against people.
- 6.10.7 Lifetime Denial: Applicant or household member who is subject to a Lifetime registration under the state's sex offender registration law; or an applicant or household member who has been convicted of manufacturing or producing illegal controlled substances such as methamphetamine on or around housing authority property.

### 7.1 INCOME FOR ADMISSIONS

Income limits for admission to public housing are published by HUD on an annual basis and are posted in the HA office. Annual income is the income a family expects to receive in the future. When calculating rent, the HA will use the amount of income that a family expects to receive in the 12 months following admission, certification, or reexamination. **24 CFR 5.609(d)**

- 7.1.1 Income Targeting: Effective 01/01/00 the HA policy which will allow "income mixing" of public housing units.
  - 1) Not less than 40% of new admissions must have incomes at or below 30% of the area median income
  - 2) All other admissions must be at or below 80% of the area median income, unless:
    - i. The HA does not have a waiting list, the number of vacant

units is equal to or greater than 10% of all available units then the Director will advertise in the local newspaper at least twice that units are available. If there is not a response to the advertisement the Director shall be free to lease units on a month to month basis to applicants who exceed 80% of the median income.

- ii. The rent shall be the flat rent and the tenant must sign a lease addendum concerning the 30 day notice to vacate if the unit is needed by a family earning less than 80% of the median income.

7.2 Examples of Annual Income include:

- 1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, and bonuses, and other compensation for personal services. **24 CFR 5.609 (b) (1)**
- 2) 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. Where 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. **24 CFR 5.609(b)(3)**
- 3) Regular payments such as periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. **24 CFR 5.609 (b)(4)**
- 4) Regular and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations, or from persons not residing in the dwelling. **24 CFR 5.609 (b)(7)**
- 5) All regular pay, special pay and allowances of a member of the Armed Forces. **24 CFR 5.609 (b)(8)**
- 6) In determining net family assets, PHAs shall include the value of business or family assets less the cost of the disposition, which are disposed of by an applicant or tenant for less than fair market value including a disposition in trust, but not in a foreclosure or bankruptcy sale during the two years preceding the date of application for the program or reexamination, as applicable. **24 CFR 5.603(d)(4)**
- 7) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. **24 CFR 5.609 (b) (5)**
- 8) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in IRS

regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family. **24 CFR 5.609(b)(2)**

- 7.3 **Income- Exclusions:** HUD approved exclusions to a family's income will apply for families who qualify to reside in public housing. Exclusions include:
1. Wages of Family Members under 18. Income from employment of children including foster children under the age of 18 years. **24CFR 5.609(c)(1)**
  2. Earnings over \$480 for Full-time students over the age of 18, excluding head of household and spouse. **24 CFR 5.609 (c) (11)**
  3. Amounts received by the household for refunds or rebates of Property Taxes paid on a dwelling unit. **24 CFR 5.609 ( c) (15)**
  4. The full amount of student financial assistance paid directly to the student or to the educational institution. **24 CFR 5.609 ( c) (6)**
  5. 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. **24 CFR 5.609 (c)(3)**
  6. Deferred monthly amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts. **24 CFR 5.609 (c)(14)**
  7. Reimbursements of medical expenses received by the family that is specifically for or in reimbursement of the cost of medical expenses for any family member. **24 CFR 5.609 (c)(4)**
  8. Income of a live-in aide as defined in 24 CFR 5.403 shall not be included in family income. **24 CFR 5.609 (c)(5)**
  9. Temporary, nonrecurring or sporadic income including gifts will not be counted. **24 CFR 5.609( c)(9).**
  10. Adoption assistance payments in excess of \$480 per child. **24 CFR 5.609 (c)(12)**
  11. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home. **24 CFR 5.609 (c)(16)**
  12. Payments received for the care of foster children or foster adults usually persons with disabilities, unrelated to the tenant family, who are unable to live alone. **24 CFR 5.609 (c)(2)**
  13. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire. **24 CFR 5.609 (c)(7)**
  14. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. **24 CFR 5.609 (c)(10)**
  15. Earnings and benefits from employment training programs funded by

HUD, such as Youthbuild. **24 CFR 5.609 (c)(8)(i)**

16. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs including training programs not affiliated with a local government and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program. **24 CFR 5.609 (c)(8)(v)**
17. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred, which may include special equipment, clothing, transportation, child care, etc, and which are made solely to allow participation in a job training program. **24 CFR 5.609 (c)(8)(iii)**
18. Amounts received under a resident service stipend. A resident service stipend is a modest amount not to exceed \$200 per month and is received by a resident for performing a service for the HA, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the HA's governing board. No resident may receive more than one such stipend during the same period of time. **24 CFR 5.609 (c)(8)(iv)**

#### 7.4. **Mandatory Income Disallowances:**

1. The Housing Authority recognizes the self-sufficiency incentive and will not increase the rent of qualified families. The qualified family resides in public housing and whose income increases as a result of employment of a family member who was unemployed (includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the minimum wage); or whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or whose annual income increases as a result of new employment or increased earnings of a family member during or within six months after receiving assistance, benefits or services under the TANF program. During the first twelve month period the HA must exclude from Annual Income any increase in income of the family member as a result of the employment over prior income of that family member. **24 CFR 960.255(b)(1)/24 CFR 5.617(c) (1)**
2. During the second cumulative twelve month period after the date a member of a qualified family is first employed or the family first experiences an increase in Annual Income attributable to employment, the HA must exclude from Annual Income of a qualified family, fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of

such employment. **24 CFR 960.255 (b)(2)/24CFR 5.617(c) (2)**

3. There shall be a maximum of four years for a disallowance of income. The disallowance of increased income of an individual family member may start and stop based on the employment of the family member but is limited to a lifetime 48-month period based on the initial commencement date applied by the HA. **24 CFR 960.255 (b)(3)/24CFR 5.617(c) (3)**

## **8.1 OCCUPANCY STANDARDS**

8.1.1 The HA shall comply with state and local occupancy requirements regarding the maximum number of occupants permitted to occupy a dwelling. The present standard is two persons per bedroom or living area. In addition, the HA occupancy standards will assist as many people as possible without overcrowding the unit or project and will minimize vacancies. Every effort will be made to allow families to occupy units of sufficient size so that persons of opposite sex (other than spouses); persons of different generations, and unrelated adults may have separate bedrooms. The HA will allow families to choose between smaller or larger units at the time of application.

8.1.2 Tenant Selection and Unit assignment

1. Each qualified applicant will be offered a unit of suitable type and size, which corresponds as close as possible to the size of their family.
2. The HA will have one waiting list for all properties, and if an offer is made to the person whose name is at the top of the waiting list and the unit is rejected due to location then the applicant will be placed at the bottom of the waiting list or removed at their request.

8.1.3. Exemptions for a tenant refusal include:

- 1). the unit is not of the proper size and type and the applicant would be placed there only on a temporary basis.
- 2). the applicant is unable to move at the time of the offer and can present clear evidence which substantiates this to the satisfaction of the housing authority.

8.1.4 Assignment of Bedroom Sizes: The following guidelines will determine each family’s unit size without overcrowding or over-housing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
1	1	2
2	2	4
3	3	6
4	4	8

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons.

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

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

1. Children of the same sex will share a bedroom.
2. Children of the opposite sex, both under the age of five (5), may share a bedroom, but will not be required to.
3. Adults and children will not be required to share a bedroom.
4. Foster – adults and/or foster - children will not be required to share a bedroom with family members.
5. Live-in aides will get a separate bedroom.

8.1.6 Exceptions to normal bedroom size standards include the following:

- 1) Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allow. The Housing Authority will allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit unless the family size and/or composition changes.
- 2) Units larger than assigned through the above guidelines – A family may request a larger unit size than the guidelines allow. The Housing Authority will allow the larger size unit if the family provides documentation of a verified medical need for the family to be housed in a larger unit.
- 3) There are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the

family's own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move. Families qualifying for a smaller size unit will not be required to accept the offer of a larger size unit, but instead may choose to remain on the waiting list until a unit of the appropriate size is available.

- 4) Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

## **9. INCOME DETERMINATION AND RENT CALCULATION**

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the formula method or having their rent set at the flat rent amount. The HA shall determine the rent of applicants and tenants as per HUD regulations and local adopted policy. Family income, income exclusions, disregards and deductions are:

- 9.1 **Deductions To Income:** Deductions are amounts that are subtracted from a family's Annual Income to produce Adjusted Income. There are two types of deductions: mandatory and permissive. **24 CFR 5.611**

1. **Mandatory Deductions:**

- a) \$480 for each dependent including full-time students or persons with disability, **24 CFR 5.611(a)(1)**
- b) \$400 for any elderly family or disabled family, **24 CFR 5.611(a)(2)**
- c) Any reasonable child care expenses necessary to enable a member of the family to be employed or further his/her education.
- d) The sum of the following to the extent the sum of the following exceeds 3% of income:
  - i) Unreimbursed medical expenses of any elderly family or disabled family, **24 CFR 5.611(a)(3)(i)**
  - ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for disabled family member(s) to allow family member(s) to work **24 CFR 5.611(a)(3)(ii)**

Permissive Deductions: **RESERVED**

9.2 **Federally Mandated Exclusions:**

1. The value of the allotment provided to an individual under the *Food Stamp Act*.
2. Payments to volunteers under the *Domestic Volunteer Services Act*.
3. Payments received under the *Alaska Native Claims Settlement Act*
4. Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes.
5. Payments or allowances under DHHS' Low-Income Home Energy Assistance Program (LIHEAP)
6. Payments received under programs funded in whole or in part under the *Partnership Act*.

7. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians
8. The first \$2,000 of per capita shares from judgment funds awarded by the Indian Claims Commission or the Court of Claims or from funds held in trust for an Indian tribe by the Secretary of the Interior
9. Federal scholarships funded under Title IV of the *Higher Education Act of 1965*, including awards under the Federal work study program or under the Bureau of Indian Affairs student Assistance program.
10. Payments received from programs funded under Title V of the *Older Americans Act of 1965*.
11. Payments received on or after January 1, 1989 from the Agent Orange Settlement Fund or any fund established pursuant to the settlement in the *In re Agent Orange* product liability legislation.
12. Payments received under *the Maine Indian Claims Settlement Act of 1980*.
13. Child care arranged or provided under the *Child Care and Development Block Grant Act*
14. Earned Income Tax Credit refund payment
15. Payments by the Indian Claims Commission to the Confederate Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation.
16. The first \$2,000 of income received by individual Indian derived from interests or trust or restricted land,
17. Any allowance paid under provisions of *38 U.S.C. 1805* to a child suffering from spina bifida who is the child of a Vietnam Veteran.
18. Any amount of crime victim compensation that the applicant (under the *Victims of Crime Act*) receives through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the *Victims of Crime Act* because of the commission of a crime against the applicant.

### 9.3 Rent Calculations:

1. The basic equation for the calculation of rent under the formula method shall be:  $\text{Income} - \text{Exclusions} = \text{Annual Income}$ ;  $\text{Annual Income} - \text{Income deductions} = \text{Adjusted Income}$
2. The Total Tenant Payment is the greater of: Minimum Rent established by the Board, presently \$50.00; 30% of adjusted income, or 10% of unadjusted monthly income.
3. Tenant Rent equals the Total Tenant Payment minus the applicable utility allowance as per the posted schedule.
4. Minimum Rent: For applicants having no income the HA will charge the minimum rent of \$50.00 or TTP unless:
  1. The family has lost eligibility for or is waiting for an eligibility determination for a Federal, State, or local assistance program.
  2. If due to the minimum rent the family would be evicted from the assisted unit.
  3. The income has decreased because of changed circumstance,

including loss of employment.

4. A death in the family has occurred. (a member of the household)
5. In order to qualify for one of the above exceptions, the tenant must request a review with the Executive Director or his/her designee within 14 days of the adverse action. The HA will grant the exemption for up to 90 days. If the request is denied then the tenant may request an informal hearing as per the grievance policy.

#### 9.4 **Determination of Rent - Income Based Calculations**

Applicants/tenants who do not qualify for the minimum rent will have the Rent calculated at 30% of Adjusted Income

1. When the income changes, tenants must report all information concerning income, benefits earnings, wages, unemployment, etc. within 15 business days.
2. In determining adjusted income during an annual examination or interim examination, the HA will not increase a tenant's rent if:
  - i.) The increase is a result of employment if the family member was previously unemployed for at least 12 months prior to his or her employment date.
  - ii.) The tenant has earned income as a result of a self-sufficiency program, or;
  - iii.) The tenant as a participant of the TANF (Temporary Assistance for Needy Families) program at any time during the previous six months.
3. **Exceptions to Income Based Exclusions** A participant's rent will not be reduced under the income or decreased if:
  - 1) The head of household is a participant in the state funded TANF program, Welfare to Work program, or is required to participate in a local mandatory community program and fails to comply with the program requirements and therefore suffers a decrease in the monetary value of their TANF grant.
  - 2) The head of household or family member commits an act of fraud and receives benefits, and is then penalized by the local Human services department.
  - 3) The HA will reduce rents accordingly if:
    - i The reduction is due to expiration (time limit) of the TANF grant
    - ii Verification is received by the HA that the tenant has completed the welfare to work requirements of the local Human Service Office and has failed to secure employment.
    - iii. The request for the reduction is made in writing and provided to the HA within 30 days of the adverse action noted above.

9.5 **Flat Rents:** Pay a flat rent based on the estimated rental value of the unit as determined by the PHA. Tenants experiencing financial hardships during the course of the year after electing the flat rent or ceiling rent may request an interim examination that would allow a change to income based calculation. Flat rents have been determined by comparing PHA Section 8 Rent Reasonableness data for comparable unassisted housing units in the housing authority's area. The amount of the flat rent shall be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Families will be informed of the choices and will be given:

- 1) The dollar amounts of tenant rent under each option; and
- 2) The following PHA policies regarding the changing of rent:

If a family is unable to pay the flat rent because of a hardship the PHA will immediately switch the rental payment from flat rent to income-based rent.

Financial hardships: Families who experience a decrease in income because of changed circumstances, loss or reduction of employment, a death in the family, a/or a reduction in /loss of earnings or other assistance. Or families who have experienced an increase in expenses, because of changed circumstances, for medical costs, childcare, transportation, education.

## 10. **VERIFICATION OF STATEMENTS AND INCOME**

- 10.1. All applicants and tenants shall be required to furnish proof of any statements, when requested by the HA, to reasonably assure accuracy. Applicants must furnish or provide authorization to the HA to obtain verification from a third party of all statements regarding income, assets, and expenses related to income deductions as per 24 CFR Parts 960.259(c). When an applicant or tenant reports annual income which appears to be less than adequate for the family's needs, or if the family appears to be eligible for income that is not reported (i.e., TANF, unemployment, compensation, child support, child care assistance reimbursements, etc.) the HA may require the absence of such income to be verified, every 60 days.
- 10.2. All verifications will be obtained prior to the signing of a lease and for all subsequent examinations to ensure that current and accurate data is used in calculating rents, eligibility and unit size.
- 10.3. All income, assets and each applicable deduction or exemption is verified at the time of admission and at each subsequent reexamination. Income will be verified by contacting the individual income/expense source as supplied by the family. If third-party written verification is not possible, a review of documentation provided by the family, such as employer's W-2 forms, benefit checks, income tax returns, benefits award letters, savings and checking account statements, estimated market value of real estate from tax statements, United States savings bond redemption values, and other supporting documents may be accepted. In cases where third-party verification is not used, the Housing Authority will document the reason another method was used. (United States Treasury checks

will not be photocopied).

- 10.4. Social Security Numbers: The HA requires the disclosure of complete and accurate Social Security numbers for each family member over the age of six. If the applicant cannot provide his/her social security number, other documents showing the social security number may be used for verification until a valid social security card can be provided. Such documents may include:
  1. A driver's license
  2. An identification card issued by federal, state, or local agency
  3. Identification from medical insurance, Medicare, Medicaid
  4. Life Insurance policies
  5. Benefit award letters from government agencies
  6. Unemployment or retirement benefit letters
  7. Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
  8. Other documents the HA determines are evidence of a valid Social Security number.
- 10.5. The following will be verified and documented in tenant files:
  1. Age of family members when the sole factor determining eligibility is based on age or support exemptions claimed for minors.
  2. Disability, or age when they are a factor in determining eligibility for a placement on the waiting list or unit assignment.
- 10.6. For persons who claim disability but do not receive benefits under Section 223 Of the Social Security Act Section 102 (b) 5 of the Developmental Disabilities Services and Facilities Construction Amendment of 1970, or any other disability insurance, and when applicant or tenant has no other means of verifying disability Doctor's Certification as to the degree and possible length of such disability or equivalent may be required. The receipt of veterans' benefits for disability, either service-incurred or otherwise, does not automatically establish eligibility.
- 10.7. Full-time college or vocational student status will be determined by verifying enrollment through the school
- 10.8. Non-economic selection criteria. When the basis for possible denial of eligibility is the past conduct of the applicant or members of his or her family, the Housing Authority may request additional information, including, but not limited to:
  1. Verification of past rental history;
  2. Written verification from counselors, parole officers, local law officers, etc.
- 10.9. Verification Sources: The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the Housing Authority will send a request form to the source along with a release form signed by the applicant/tenant.

<b>Item to Be Verified</b>	<b>3 rd party verification</b>	<b>Hand-carried verification</b>
Social Security Number	Letter from Social Security,	Social Security card
Citizenship	N/A	Signed certification, voters'

		registration card, birth certificate
Eligible immigration status	INS SAVE confirmation	INS card
Disability	Letter from medical professional	Proof of SSI or Social Security
Full-time student status	Letter from school	Any document evidencing enrollment
Need for a live-in aide	Letter from doctor/ other professional	N/A
Childcare costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers	Bills and records of payment
Medical expenses	Letters from providers, prescription records from pharmacy	Bills, receipts, records of payment
Savings, checking accounts, etc	Letter from institution	Current Statement
Stocks	Letter from broker	Current Statement
Real Property	Letter from tax office	Tax Statement
Personal Property	Assessment	Proof of purchase
Cash Value of life insurance	Letter from insurance company	Current Statement
Assets disposed of for less than fair market value	N/A	Original receipt and disposition receipt
Income		
Earned Income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return
Regular gifts and contributions	Letter from source	Bank deposits
Other		
Alimony/child support	Court order, letter from source, letter from Human Services	
Periodic payments(i.e., social security, welfare, pensions, workers comp,	Letter or electronic reports from the source	
Training Program	Letter from provider	

11. **CRIMINAL RECORD MANAGEMENT AND POLICY**

- 11.1 The Housing Authority may request information regarding the criminal conviction records of adult applicants for, or tenancy of, public housing. The Authority may contact the National Crime Information Center, police department, and other law enforcement agencies. The HA may pay reasonable fees charged by law enforcement agencies that provide the information. The applicant or tenant may not be charged for any expenses related to the investigation..
- 11.2 All adult applicants and tenants shall complete an “Authorization for Release of Police Record”. The HA shall request a National Crime Information Center (NCIC) check for criminal history for an applicant or tenant.
- 11.3 Applicants and tenants may be requested to furnish fingerprints for this purpose through the local law enforcement office to be sent to the FBI. NCIC information shall be furnished to the HA pursuant to the agreement between the U.S. Department of Housing and Urban Development and the U. S. Department of Justice Regarding Access to National Crime Information Center Data.
- 11.4 For the purpose of screening applicants, lease enforcement and eviction the HA or its Agents will obtain NCIC reports and any police records from law enforcement agencies related to a persons criminal conviction records for persons eighteen (18) years of age or older. The HA may also request this information for juveniles, to the extent that the release of such information is authorized state laws.
- 11.5 Before the HA takes any adverse action based on a criminal conviction record, the HA or its Agents must provide the applicant or tenant with a copy of the criminal record and an opportunity to dispute the accuracy or relevancy of the record. For applicants, the copy will be provided at a hearing. The hearing is afforded to each applicant that is denied admission and provides the applicant the opportunity to dispute any information used to deny an applicant admission to public housing. For tenants, the copy will be provided in accordance with the HA’s grievance procedure.
- 11.6 The HA will keep all criminal records received confidential and not misuse or improperly disseminate the information. Criminal records of any adult applicant/tenant which are used as the basis of denying tenancy or eviction are confidential and shall not be disclosed to any person or entity other than for official use or for use in court proceedings. The term “adult” means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law. Said records shall be maintained in separate files and shall be kept in a locked, secure location. Records shall be destroyed once action is taken and any grievance procedure, or court proceeding is completed. A notice of record destruction shall be maintained in a separate file.

12. **COMMUNITY SERVICE**

Community Service Requirement: It shall be the policy that all adult tenants of public housing perform eight hours of community service each month.

- 12.1 Exceptions to the service requirement are;
- 12.2 Elderly, disabled tenants who because of age or extent of disability cannot comply with the requirement.

- 12.3 Tenants gainfully employed by a private or public employer
- 12.4 Tenants participating in the welfare to work program administered by local human service office.
- 12.5 Tenants participating in a state funded assistance program where compliance with the service requirement is determined on an annual basis at least 30 days prior to the expiration of the tenant's annual lease.
- 12.6 The Housing Authority shall notify all adult family members who are apparently not exempt from the community service requirement. The notification shall afford the tenant an opportunity to claim and verify an exempt status. If no exemption exists the obligation will begin upon the effective date of their first annual reexamination on or after 10/1/99. For families paying the flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply will result in ineligibility for continued occupancy.
- 12.7 Community service includes performing work or duties in the public benefit that serve to improve the quality of life or enhance tenant self-sufficiency.
- 12.8 Adverse Action: Failure to perform community service shall result in the termination of the lease. The Housing Authority will offer the tenant an opportunity to enter into an agreement prior to the anniversary of the lease. The agreement will state that the tenant or family member agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. First hours earned will be applied to the past year's requirement.

13. **LEASING REQUIREMENTS**

- 13.1 Lease Document: Leases and the subsequent occupancy requirements for subsidized housing shall be consistent with HUD regulations, state and local landlord-tenant laws. Specifically, the lease will:
  - 1. Contain the names of the members of the family, who will reside in the unit.
  - 2. Contain the initial rent and responsibility for payment of the utilities furnished to the unit. Rent is due on the first of the month and is past due after the sixth day of the month.
  - 3. Leases will be for 12 months, and will be automatically renewed for 12 months on the annual date of admission.
- 13.2 Other Lease Requirements include:
  - 1. HA will inspect the unit prior to occupancy.
  - 2. The lease will be signed by at least the head of household.
  - 3. Lease language which explains the Zero Tolerance Policy and the right of the HA to terminate the lease if any household member or guest is arrested for any criminal drug activity which may include possession, use, or manufacture of illegal substances.
  - 4. Transfers to different units shall be considered as a new unit with a new lease.
  - 5. If through any cause, the signer of the lease ceases to be a member

of the tenant family, the lease is to be voided and a new lease will be executed and signed by all parties.

6. Family Absences from unit.

A unit under lease may not be left unoccupied for more than 15 days, without written notice to the HA of intent to be absent. Written authorization will then be given to the Tenant. The HA will use the following criteria to determine if a family is absent from a unit include but are not limited to:

- i. Rent is unpaid
- ii. Utilities are not in service
- iii. Inspection reveals vacant unit
- iv. Mail not collected, or Post Office reports a forwarding address has been placed at the Post Office by the family
- v. Reports by neighbors or other individuals that the unit is vacant.
- vi. Emergency inspection to view unit
- vii. Attempts by Housing Agency staff through mail and telephone to contact the family.
- viii. Abandonment/Possessor Rights: The lease shall incorporate the responsibilities of the tenant if the unit is vacated without notice and the obligation of the HA to re-enter the unit and take possession.

13.3. Amendment Process: If at any time during the term of the lease, there is a change in a tenant's status, which results in the need to amend the lease, the HA will prepare a lease rider, which states the changes and revisions to the lease.

13.4. Security Deposits shall be required for all units and shall be as follows:

Duplexes and multi-family units	\$200.00*
Single-Family dwelling units	\$300.00*

\$100 is required at lease signing with \$50 due every 30 days until the balance is paid in full. The security deposit will be held until the tenant moves from the unit and will be returned if the following conditions are met:

1. The appropriate written 15 day notice is given to the HA.
2. There are no charges for which the tenant is liable.
3. The unit and all equipment are left reasonably clean and all trash and debris is removed from the unit.
4. The tenant must provide a forwarding address.
5. All keys issued to the tenant are returned at the time of the move-out.
6. There is no damage which is not due to normal wear.

The security deposit may not be used to pay rent or maintenance charges during occupancy.

13.5. Utility Costs: All HA applicants/tenants are required to provide for their own utilities except for water and sewer. Utilities are provided through MDU and applicants must also abide by MDU admission policies. If applicants cannot obtain utilities due to past unpaid debts, or unable to pay the utility security

deposit, every effort will be made HA to secure assistance.

13.6. Adverse Lease Actions:

1. Late Charges: Will be assessed on the 7th of the month and the HA shall send the appropriate **14 Day Notice of Intent to Evict**.
2. If the rent or other amounts due are not paid by the 21st day of the month, a 3-day Eviction/Sheriff's Notice will be delivered. The cost of the notice shall be charged to the tenant's account.
- 3 Lease will be terminated for the following:
  - a. Nonpayment of rent or other charges.
  - b. If the tenant causes or creates a threat to the health and safety of other tenants or HA employees, the lease will be terminated after reasonable notice as per state law.
  - c. For other causes other than for non-payment of rent HA will give thirty (30) days notice of termination, but such termination shall be limited to "good cause" including:
    - i. tenant conduct which interferes with other tenant's ability to enjoy premises
    - ii. tenant conduct which interferes with the HA's routine performance of duties
    - iii. creation of physical hazards
    - iv. repeated violations (3 or more) of the posted Rules of Occupancy
    - v. false statements made by the tenant during admission or recertification
    - vi. failure to allow inspection of the unit

13.7. Denial and Termination of Assistance for Drug Use and Other Criminal Activity

1. The June 25, 2001 Final Rule requires the housing authority to screen applicants and to evict tenants who are engaged in criminal activity and the actions that must be taken by the Housing Authority to comply with the regulations. Requirements include:
  - 1) Persons covered under this rule include the tenant, any member of the tenant's household, (including an approved live-in aide), a guest and another person under the tenant's control.
  - 2) Applicants: An applicant can be denied assistance if he/she or a household member on the application has been evicted from housing assisted under the US Housing Act (public, Indian, Section 8, or Section 23 Housing) because of drug-related criminal activity (drug use or drug distribution) by any member of the applicant family,
  - 3) The Housing Authority may waive this restriction for a particular applicant if the Authority determines that the evicted person: has successfully completed a rehabilitation program approved by the U.S., clearly did not participate in or know about the drug-related criminal activity; or no longer participates in any drug-related criminal activity.

- 13.8. For tenants presently in possession of a unit their lease may be terminated after reasonable notice if the preponderance of evidence indicates:
- (a) The tenant is currently engaged in drug related activity;
  - (b) The tenant is currently engaged in criminal activity;
  - (c) The tenant is currently engaged in criminal sex offenses.

13.9 Terminations:

- 1) The tenant may terminate the lease at any time upon submitting a 30-day written notice or completing the 15 day intent to vacate form.
- 2) After 10/1/2000 the Authority will not renew the lease of any family that is not in compliance with the community service requirement or an approved family plan.
- 3) A property is considered abandoned when a resident is behind in rent and has indicated orally or by action not to continue to live in the unit. The authority shall follow state law as applicable before disposing of any abandoned property.

14.0 **ANNUAL AND INTERIM EXAMINATIONS**

14.1 Annually, and at interim periods as circumstances may prescribe, the tenant shall furnish information and certifications to the HA on the family income and composition, in order to calculate rent. Rent is fixed at the time of admission and will be subject to an interim re-determination if:

- 1) a decrease of income in the amount equal to \$50.00 or more
- 2) a change in family composition occurs
- 3) the tenant's income could not be verified at the time of admission.
- 4) the tenant has been in residence for a year, or it has been a year since the last certification.
- 5) HUD has completed a computer match of income of a tenant family and such income is disclosed to the tenant and a discrepancy occurs. The tenant must inform the HA of the match results and the HA shall determine the appropriate action.
- 6) An increase of income over \$150 per month is reported

14.2. Effective Dates of Action: In the event of rent increases, the adjustment will take effect the first day of the second month following the notice of the increase. Rent decreases shall take place on first day of the following month. Changes in rent due to annual, scheduled reexaminations are to be effective on the anniversary date of the lease.

14.3 Frequency of Examinations: All tenants shall have income, household composition, and expenses examined annually.

14.4 Annual Recertifications:

At least once each year or as required by the HA, tenant households must furnish such information regarding family composition, employment and other household

income as may be necessary to make a determination with respect to rent, eligibility and unit size. Annual exams will start 90 days prior to the end of the lease (12 month) and will be completed 30 days before the expiration of the lease.

14.5. Failure to Comply

1. Annual Examinations are mandated by HUD and must be completed as per the regulations. Failure by the tenant family to cooperate and complete any examinations shall be considered a violation of the lease and shall be grounds for termination of the lease.
2. Community Service Requirement: Failure to comply with the Community Service Requirement may result in the termination of the lease agreement. The HA will make every effort to assist the tenant in complying with the requirement. If it is determined at the annual examination that the tenant has not complied with the service requirement he/she must enter into a written agreement with the HA to perform the required service within the next 12 months.

14.6. Inspections:

1. Prior to initial occupancy, the HA and the tenant will perform an inspection of the unit to determine its condition at initial lease.
2. Prior to move-out the HA and the tenant must perform a close-out inspection.
3. At least once per year the HA will conduct an inspection of the unit and any deficiencies will be corrected and responsibility for the charge will be determined. If the inspection reveals poor housekeeping habits that need to be improved a follow up inspection will be scheduled after the tenant meets with the project occupancy technician.
4. Emergency inspections will be done if the management believes that an emergency exists within the unit and the unit must be entered without notice. Every effort will be made to notify the tenant before and a written notice will be sent to the tenant after the maintenance department has entered the unit.
5. Housekeeping inspections may be done after the 48 hour notice.

14.7. Misrepresentations

The tenant shall be notified in writing of any misrepresentations or lease violations revealed through re-examination, rent review, or other occurrences. The applicant/tenant certifies that accurate information has been provided by the family on family composition, income, net family assets, allowances, and deductions. Any violations of the lease or of Federal regulations may result in lease termination and/or punishment under Federal law.

1. Repayments  
The obligation of the applicant/tenant to provide accurate information which is used to calculate rent is continuous during the admissions and occupancy of the family. If the family intentionally misrepresents income

or deductions, the following action will be undertaken:

- i. The HA will verify the unreported change through a third party.
- ii. Written notice will be delivered to the tenant to schedule an interim recertification.
- iii. Tenant will be required to sign a repayment agreement for the amount determined by the HA or will pay the full amount upon a thirty day request.
- iv. Failure to repay the HA or sign a repayment agreement will result in the termination of the lease.

## 15.0 TRANSFERS

Transfers within the developments owned by the Housing Authority address the following objectives:

- 1) To address emergency situations
- 2) To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- 3) To facilitate relocation when required due to modernization or other management purposes.
- 4) To facilitate relocation of families with inadequate housing accommodations
- 5) To eliminate vacancy loss and other expense due to unnecessary transfers.
- 6) Accessible units: Family whose member becomes disabled or when a disabled member no longer resides in the unit, may be transferred to another unit.

### 15.1 CATEGORIES:

- 1) Emergency transfers: These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members.
- 2) Immediate management transfers which are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable Capital Fund work to proceed.
- 3) Regular transfers which will cover incentive moves, inappropriate occupancy standard

### 15.2. OTHER:

- 1) Tenants shall not be transferred to a dwelling unit of equal size either within a project or between projects, except for the purpose of alleviating hardships as determined by the Executive Director or his/her designee.
- 2) Transfers will not take preference over new admissions.
- 3) The HA shall not provide a mover at its expense for any tenant transferring from one unit to another. If the move is HA initiated then HA employees will assist the family as needed, and at no expense to the tenant. Tenant initiated moves shall be at the tenant's expense.

## 16.0 SERVICE/COMPANION ANIMALS

The HA shall administer two pet policies. A service/companion animal policy and a pet policy. Unless specifically noted, tenants in need of a Service/Companion Animal must comply with this section. To ensure the welfare of all tenants and the sanitation of HA properties, the management will adopt rules for all pet owners.

1. Service animals: Are not pets, but are defined under Section 504 as "auxiliary aides". A service animal is trained and/or licensed/certified animal utilized by individuals with physical disabilities, and those with vision or hearing impairments. They perform specific functions such as rescue work, pulling a wheel chair, fetching an item, etc.
  2. Companion animals: Do not have specific disability training but are helpful in coping with the disability, such as providing emotional support. A companion animal is considered a reasonable accommodation. Companion animals are medically prescribed by a primary physician/psychologist, psychiatrist or qualified medical agency. A written statement for the need of a companion animal must be provided. The terms in this policy apply principally to dogs and cats; the dogs must be housebroken and the cats must be litter-box trained. Birds and fish that are traditionally kept in the home are also permitted.
- 16.1. Registration: All service/companion animals must be registered upon admission, and registration must be renewed annually on the anniversary of admission date. Registration requirements include:
1. Service Animal:
    - i. Application
    - ii. Owner will submit a copy of the animal's license or certification
    - iii. Dog tag immunization information
    - iv. References on where animal is taken in case of an emergency or how his/ her animal should be taken care of in an emergency.
  2. Companion Animal:
    - i. Application
    - ii. Written statement from authorized person requesting the reasonable accommodation of companion animal
    - iii. Dog tag immunization information, free of communicable disease
    - iv. Identify alternative care provider
    - v. Date the animal was spayed, neutered, and declawed.
- 16.2. Damages: Any damage to the unit, building, grounds, flooring, walls, trim, finish, tiles, carpeting, etc., will be the full responsibility of the animal owner, and the animal owner shall agree to pay costs involved in restoring any damage to original, new conditions as well as any costs required for cleaning, delousing, and deodorizing required because of such animal. If, because of any such stains or chemicals to remove same, damage is such that it cannot be removed, animal owner hereby agrees to pay full cost and expense of replacing such materials.

- 16.3. **Animal Health:**  
Sick or injured animals: No sick or injured animal will be accepted for occupancy without consultation and written acknowledgement of a veterinarian as to the condition of the animal's ability to live in an apartment situation. Acceptance regardless of documentation and consultation is the prerogative of management. Admitted animals which suffer illnesses or injury must be immediately taken for veterinarian care at the animal owner's expense. The Housing Authority shall be notified as well.  
Inoculations: Cats must have current inoculations as appropriate to the species, including but not limited to feline distemper shots. Dogs shall have certificates of appropriate inoculations for heart worm, parvo, and rabies. Such tests, vaccines or shots shall be maintained on an annual basis by a veterinarian.  
Both Service/Companion Animals must be wearing dog tags for immunization information. Every dog shall wear a valid rabies tag and all animals shall wear a tag containing the animal owner's name, address, and phone number.  
Neutering, Declawing: The companion animal owner agrees that the animal shall be neutered. If the animal is too young at the time of occupancy, it shall be neutered at the earliest time deemed safe by a veterinarian. Animal owner agrees to have cat declawed within one week after such request has been made by management as a result of evidence of damage to apartment by claws.  
Care of the animal: The animal owner agrees to humanely care for the animal by providing sufficient food, water, and veterinary treatment as needed. Abuse of the animal will be cause for pet removal by Housing Authority.
- 16.4. **Waste Disposal:** Cats are required to be litter-box trained. The animal owner agrees to dispose of cat feces daily by placing it in a bag, closing securely with a fastener, and placing it in the dumpster. The animal owner agrees that the full contents of the litter box will be disposed of in the same manner and will never be flushed down the toilet, put outside the entry door, or placed in the owners' indoor garbage container. Proper disposal of dog feces is also required, dog feces must be picked up immediately when dog eliminates, placed in a bag, closed securely with a fastener, and placing it in the dumpster.
- 16.5. **Public Access:** Animals may not be tied up outside of the unit and left unattended. While outside of the unit the animal must be on a leash at all times.
- 16.6. **Unit care and Inspections:** The animal owner agrees to maintain the unit in a sanitary and odorless manner. No alterations can be made to the premises. The animal owner agrees that management has the right to inspect the owner's apartment as frequently as necessary. Entry of unit will be done according to the Lease requirements.
- 16.7. **Owner absence:** The owner agrees that if for any reason the animal is left unattended for more than 12 hours, the owner will provide information on how his or her auxiliary aide should be cared for. The management will call the designated alternative care providers if the Service/Companion Animal owner is

unable to do so, and that person will then be permitted to enter the apartment and be required to remove the animal from the premises. If the alternative care providers cannot be reached, the animal may be placed in an appropriate boarding facility with all fees and costs borne by the owner. Within five days of such an emergency, the tenant, his agent, family, or estate must make arrangements with holder of said animal as to its disposition and shall be responsible for all obligations, financial and otherwise. The animal owner absolves management and/or its agents of any or all liability, financial, or otherwise, for actions taken on behalf of the animal owner, or the well being of the animal. In the event the animal owner can no longer care for the animal due to health deterioration, the animal owner agrees to remove the animal from the unit.

16.8. Animal behavior:

The animal owner shall not permit the animal to cause any noise, damage, discomfort, and nuisance or in any way inconvenience or cause complaints from other tenants. After receipt of each verified animal complaint, management will issue a written warning. Three verified complaints constitute violation of this service animal policy. The animal owner will meet with management for disposition of the animal and the owner shall sign an affidavit stating that the animal is no longer on the premises and will not return. Misrepresentation of this affidavit or refusal to remove the animal will be grounds for eviction of the animal owner. Management will act immediately in animal removal in situations deemed an emergency. Service animals are excluded from this action.

16.9 Liability: The animal owner shall be liable for any financial expense due to any injury to the person or property of other tenants, staff, or visitors, caused by their animal; and shall indemnify the Housing Authority for all costs and litigation and attorney's fees resulting from such damage.

17.0 **PETS IN FAMILY PUBLIC HOUSING**

Part 960-Admission to, and Occupancy of, Public Housing, Subpart G, 960.707: A resident of a dwelling unit in public housing may own one or more common household pets, or have one or more common household pets present in the unit subject to the reasonable requirements of the HA. The Quality Housing and Work Responsibility Act of 1998 mandated that HUD develop regulations which would allow residents of family public housing to own and keep pets.

17.1 Applicability: This policy shall apply to all tenants of public housing projects owned by RCHA on April 1, 2001 and all applicants applying for housing after April 1, 2001.

17.2. Definitions:

Applicant/Tenant: Family or single person who is applying for occupancy in one of the projects owned by the HA or who is a resident of the HA.

Damages: Charges assessed to the tenant during occupancy or after vacating unit. Damages may include any damage to the unit, building, grounds, flooring, walls, trim boards, finish, tiles, carpeting, etc., determined by the inspector to be

the act of the pet. Repair and or replacement will be the full responsibility of the animal owner, and the animal owner shall agree to pay costs involved in restoring any damage to original, new conditions as well as any costs required for cleaning, delousing, and deodorizing required because of such animal.

Sick or Injured animals: All animals must be healthy and in good condition, no sick or injured animal will be accepted without consultation and written acknowledgment of a veterinarian as to the condition of the animal's ability to live in an apartment situation.

Inoculations: Animals must have current inoculations as appropriate to the species.

Pet Tags: Identification tags which include the name, address, and phone number of the owner. In addition, the pet will have city registration tags.

Public Access: Areas owned by the HA which includes the yards, common areas and sidewalks.

Permissible Pets: Pets allowed by the HA include: dogs, cats, birds, fish and caged animals (for example, guinea pigs, rodents, hamsters).

#### 17.3. Responsibilities of the Applicant/Tenant:

1. Prior to admission of pet, tenant/applicant must complete the pet registration form.
2. Furnish proof of vaccinations and licensing prior to admissions.
3. Furnish proof of sterilization of animal.
4. After Admissions, the pet must be licensed and up-to-date on rabies and other vaccinations.
5. Must supply a photograph of their pet upon admission.
6. Must remit a processing fee and a pet security deposit.
7. Must not allow pet to run at large and must keep pet under control at all times
8. Must provide proof of identification collar and tags.
9. Must advise HA of any change in pet status.
10. Must not allow pet to be outside of unit without responsible family member in control of animal. Animals will not be placed outside of unit unattended on leashes, chains, ropes, or any other restraining device.
11. Must comply with all applicable state, local, public health, animal control, and animal anti-cruelty laws.
12. Must properly dispose of pets' waste outside and inside of unit.
13. Cat owners must furnish a litter box specifically made for that purpose.

#### 17.4. Local Ordinances:

1. Each owner or keeper of a dog within the limits of the City shall cause the same to be registered, numbered, described, and licensed in the office of the Treasurer of Sidney. Such licensed must be obtained on or before March 31 of each year, or prior to the dogs becoming six (6) months of age, or within thirty (30) days of the time the dogs are brought into the city. 6-3-1

2. Any dog found to be violation any provision of this chapter shall be captured and impounded. 6-3-3
3. Rabies: Each and every owner or keeper of a dog or cat within the limits of the city shall cause the same to be inoculated for rabies once before the dog is one (1) year old, one more time before the dog is two (2) years old and not less often than every three (3) years thereafter. 6-3-6
4. Running at large prohibited: a) every person who owns, keeps or harbors any dog, which knowingly permits such dog to run at large upon the public thoroughfare, upon school grounds, other public property or any property of another without consent is guilty of a misdemeanor. b) every person who shall keep, feed, harbor or allow to stay about any premise occupied or controlled by him, any dog which by loud and continuous barking, howling, or yelping constitutes an annoyance or disturbance to the neighborhood is guilty of maintaining a public nuisance. c) any dog will be declared a public nuisance if it is allowed to destroy property or other pets, to bite, or chase after persons.
5. Penalties: Upon the first offense the fine shall be \$50.00, second offense \$150.00 and third offense \$300.00.

17.5. Security Deposits and Fees:

	Deposit
Dog	\$200.00
Cat(each)	\$100.00
Fish, birds, caged pets,	NA

17.6. Pet Limitations:

1. The family may have one dog whose size cannot exceed 20 pounds.
2. The family may have two cats, whose individual weight will not exceed 10 pounds.
3. The family may have only one other pet such as fish, bird or caged pet in addition to a dog or cat.
4. If the family does not have a dog or cat then the family may have either fish, birds or caged pets (up to two) by remitting a deposit for each.
5. The family may not keep pets for any commercial or breeding purpose.
6. Restricted breeds are not allowed as pets on HA properties.

17.7. Enforcement:

1. Tenant who fails to abide by this policy, the lease addendum, and all pertinent rules shall be subject to:
  - First Offense: Notice of Policy Violation will be sent.
  - Second Offense: Tenant must attend meeting with HA staff.
  - Third Offense: Tenant will be sent notice of intent to terminate lease due to noncompliance unless pet is removed from premises.

2. If tenant fails to correct the deficiencies after the Third Offense then the HA will terminate the lease as per the lease agreement and lease addendum.

## 18. **GRIEVANCE PROCEDURES**

### 18.1. Definitions:

Grievance is a dispute which a tenant may have concerning Authority action or failure to act according to the individual tenant's lease or Authority regulations which adversely affects the individual tenant's rights, duties, welfare, or status. Complainant/Tenant is an adult tenant other than live-in aide whose grievance is presented to the HA informally or as part of the informal hearing process. The person must reside in the unit and has executed the lease or is the remaining head of the household.

Hearing Officer means a person(s) selected according to this grievance procedure to hear grievances and render a decision.

Notice: As used below shall unless otherwise provided mean written notice.

Regulations: Are the HUD(Dept. of Housing And Urban Development) regulations contained in subpart B of 24CFR part 966.

Business Days: Monday through Friday of each week except for legal holidays recognized by the HA.

Drug-related criminal activity: The illegal manufacture, sale, distribution, use or possession with intent to manufacture, sale, distribute or use of a controlled substance, as defined in Sec. 102 of the Controlled Substances Act (21 U.S.C. sec 802) as amended.

Elements of due process shall mean in an eviction action or a termination of tenancy in state or local court in which the following procedural safeguards are required:

- i. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;
- ii. Opportunity for the tenant to examine directly relevant documents, records or regulations of the Housing Agency prior to the trial for the purpose of preparing a defense (The tenant is allowed to copy the HA's documents directly relevant to the eviction, such copying is at the tenant's expense);
- iii. Right of the tenant to be represented by counsel of his/her choice, and at his/her expense.
- iv. Opportunity for the tenant to refute the evidence presented by the Housing Agency including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have;
- v. A decision based solely and exclusively upon the facts and merits presented at the hearing.

18.2. Complaints Excluded from the Grievance Procedure: The following complaints are excluded:

1. Imposition of penalties for late payment, NSF or No Account check penalties, copying charges.
2. Disputes between tenants not involving the HA.
3. Class grievances to initiate or negotiate policy changes.
4. Grievances filed by a live-in aide, or remaining family members.
5. An eviction for any criminal activity that threatens the health, safety or right to the peaceful enjoyment of the premises of other tenants or employees of the HA.
6. An eviction for any drug-related criminal activity on or off such premises and for any other type of felony.

18.3. Denial of Hearing : When the Housing Authority is not required to afford the tenant the opportunity for a hearing under the PHA administrative grievance procedure the Housing Authority shall:

1. State that the tenant is not entitled to a grievance hearing on the notice issued;
2. State that HUD has determined that this eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations.
3. Specify the judicial eviction procedure to be used for eviction of the tenant.

18.4. Procedures Prior to a Hearing

1. Informal Settlement of Grievance Procedures  
Any grievance shall be personally presented either orally or in writing to the Housing Authority Office so that the grievance may be discussed informally and settled without a hearing. (If the grievance is written, it must be signed by the complainant.) The grievance must be presented no later than the first working day after the fifth (5th) day of the action or failure to act which is the basis of the grievance. It may be simply stated, but shall specify:
  - i) the particular ground(s) upon which it is based;
  - ii) the action requested; and
  - iii) the name, address, and telephone number of complainant and similar information about his/her representative, if any.
2. Within ten working days, a summary of this discussion will be given to the complainant by a HA representative, one copy to be filed in the Housing Authority's tenant files.
3. The summary will include: names of participants, date of the meeting, nature of the proposed disposition, and specific reason therefore and shall specify steps by which a formal hearing can be obtained.
4. The informal settlement conference must be held within 30 days of the tenant's request for such conference unless there are

extenuating circumstances which are verified by the complainant and accepted by the HA. If there are no extenuating circumstance verified to and accepted by HA within 30 days from the tenant's request for informal settlement conference, the complainant shall be notified by mail of procedures by which to request a Formal Hearing. If the complainant fails to make a timely request for formal hearing as set out in the procedures to request a Formal Hearing they shall be deemed to have waived their right to such a hearing, and the Housing Authority will forward the file to legal counsel for legal processing through the District Court.

18.5. Dissatisfaction with Informal Disposition

If the complainant is dissatisfied with the proposed disposition of the grievances, he/she shall submit a written request for a hearing within ten (10) working days of delivery of the summary of the informal proceedings.

- i). The request for a hearing must be presented to the Authority Office.
- iii). The request must be date stamped.
- iv). The request for a hearing must have specific reasons for the grievance, and the action or relief sought.

18.6. Failure to Request an Informal Hearing

- i). If the complainant does not request a hearing within ten (10) working days, he/she waives his/her right to a hearing, and the HA's proposed disposition of the grievance will become final.
- ii). The above determination in no way constitutes a waiver of the complainant's right to contest the Housing Authority's disposition of his/her grievance in an appropriate judicial proceeding.

18.7. Right to an Informal Hearing: After exhausting the grievance procedures outlined above, a complainant is entitled to a hearing before a hearing official. The right to a private hearing shall be afforded the complainant unless the complainant requests a public hearing.

18.8. Procedures to Obtain a Hearing

Informal Prerequisite

- i). All grievances must be informally presented as stipulated above in writing as a prerequisite to a formal hearing. The written notice must state the reasons for the grievance and the action or relief sought by the complainant.
- ii). The hearing officer may waive the prerequisite informal hearing if, and only if, the complainant can show good cause why he/she failed to proceed informally.
- iii). If the complainant does not request a hearing within the time period allowed above, he/she waives his/her right to the hearing and proposed disposition of the grievance will become final. This shall not, however, constitute a waiver of the complainant's right

thereafter to contest disposition of his/her grievance in an appropriate judicial proceeding.

- iv). Escrow Deposit  
Before a hearing is scheduled in any grievance involving an amount of rent the HA claims is due, the complainant shall pay to the HA 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 monthly until the complaint is resolved by decision of the hearing official or panel.  
The above requirements may be waived by the Authority in extraordinary circumstances, and this will be at the HA's discretion. Unless waived, failure to make the aforementioned payments shall result in termination of the grievance procedure.  
Failure to make such payments is not a waiver of any right the complainant may have to contest the HA's disposition of his/her grievance in any appropriate judicial proceeding.
- v). Scheduling  
Upon complaint's compliance with the above procedures, a hearing shall be scheduled by the hearing official promptly for a time and place reasonably convenient to both the complainant and Authority. A written notification specifying the time, place, and the procedures governing the hearing shall be delivered to both parties.

#### 18.9. Procedure Governing the Hearing

- 1. The hearing shall be held before a hearing officer.
- 2. The complainant shall be afforded a fair hearing providing the basic safeguards of due process which are noted above.
- 3. If the hearing official determines that the issue has been previously decided in another proceeding, he/she may render a decision without proceeding with the hearing.
- 4. Failure to Appear
  - i). If the complainant or Authority fail to appear at the scheduled hearing, the hearing officer may make a determination to postpone the hearing for not to exceed five working days, or make a determination that the party has waived his/her right to a hearing.
  - ii). Such a determination in no way waives the complainant's right to appropriate judicial proceedings.
- 5. At the hearing, the complainant must first make a showing of an entitlement to the relief sought, and then the HA must sustain the burden of justifying the HA action or failure to act against which the complaint is directed.
- 6. The hearing shall be conducted by the hearing official in such a way to be:
  - i). Informal - Oral or 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;
- ii). Orderly - The official shall require that the Housing Authority, complainant, counsel, and other participants and spectators conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing official to obtain order may result in 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.
7. The complainant or Authority may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing.

#### 18.9.1. Decisions of the Hearing Official

1. Within 10 working days following the hearing, the hearing official shall give the complainant and Housing Authority a written decision including reasons therefore. The Housing Authority will file one copy in the tenant's file and maintain another file copy with names and identifying references deleted for inspection by a prospective complainant, his/her representative, or hearing officials.
2. The decision of the hearing official shall be binding on the Authority which shall take all actions necessary to carry out the decision unless the Housing Commissioners determine, within five working days, and so notifies the complainant that:
  - 2.1. The grievance does not concern Authority action or failure to act in accordance with or involving the complainant's lease on Authority regulations which adversely affect the complainant's rights, duties, welfare or status;
  - 2.2. 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.
  - 2.3. A decision by the hearing official or Housing 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, not affect in any matter whatever, the rights the complainant may have to judicial review in any proceedings; which may thereafter be brought in the matter.

#### 18.9.2. Selection of Hearing Officer

The Board of Commissioners or Executive Director shall appoint an impartial person or persons as hearing officer(s) upon appropriate notice, who may be an officer or employee of the HA provided such person is other than a person who made or approved the action under review or a subordinate of such person.

#### 18.9.3. Accommodations of Person with Disabilities

The Housing Authority must provide reasonable accommodations for the complainant with disabilities to participate in the informal and/or formal hearings. If the tenant is visually impaired, any notice must be in an accessible format.

# APPENDIX :

## SECTION 1:

### DEFINITIONS

Adjusted Income equals: Amounts that are subtracted from a family's Annual Income.

There are two types of deductions: mandatory and permissive. **24 CFR 5.611**

#### 2. Mandatory Deductions:

- e) \$480 for each dependent including full-time students or persons with disability, **24 CFR 5.611(a)(1)**
- f) \$400 for any elderly family or disabled family, **24 CFR 5.611(a)(2)**
- g) Any reasonable child care expenses necessary to enable a member of the family to be employed or further his/her education.
- h) The sum of the following to the extent the sum of the following exceeds 3% of income:
  - i) Unreimbursed medical expenses of any elderly family or disabled family, **24 CFR 5.611(a)(3)( i)**
  - ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for disabled family member(s) to allow family member(s) to work **24 CFR 5.611(a)(3)( ii)**

Permissive Deductions: **RESERVED**

Annual Income: Is the anticipated total gross income from all sources received by the head of household, spouse, (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period following the effective date of initial determination or reexamination of income.

Applicant: A person or a family that has applied for housing assistance.

Child Care Expenses: Amounts expected to be paid by the family for the care of children under thirteen (13) years of age during the period for which annual income is computed, but only where such care is necessary to enable head of household or an adult family member to be gainfully employed and or to further his/her education. The expense shall be reasonable in comparison to area daycare charges and in the case of employment, expenses shall not exceed income.

Child Custody: An applicant or tenant who does not have full custody of a minor may only claim a child as a dependent if:

- the applicant/tenant has primary custody of the minors involved
- the applicant/tenant provides sufficient evidence that if the applicant were admitted, the child would reside with the applicant.

Citizen: An individual born in the United States or naturalized. All applicants must furnish documents which support evidence of citizenship or eligible immigration status (CFR 912.6(b)).

Covered Person: For the purposes of 24 CFR 5, subpart I, part 966 means a tenant, any member of the tenant's household, a guest or another person under the tenant's control.

Dependent : Household member, (excluding foster children, the head of the household, or spouse), who is under the age of 18 years of age or is a disabled person or disabled person or is a full-time student in a post secondary institution or *a vocational center*. Full-time students who are also the head of household or spouse are not considered dependents.

Disabled Family: Means a family whose head, spouse or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

Disabled Assistance Expense: Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Disabled Family member and that are necessary to enable a family member to be employed, provided that the expenses are neither paid to a member of the Family nor reimbursed by an outside source.

Displaced Family: (Domestic Violence Victim)

A family who has displaced from their unit because of domestic violence. The displaced family must have a statement of verified circumstances prior to admission.

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

Effective Date: The "effective date" of an examination refers to (i) an examination for admission, the effective date of initial occupancy, and (ii) in the reexamination of an existing tenant, the effective date of the re-determined Total Tenant Payment.

Elderly Family: means a family whose head of household, sole member or spouse who is at least 62 years of age

Eligibility Income: Prior to admission, each family must be income eligible, as determined by the income limits published by HUD.

Family: Family includes, but is not limited to,

1. a family with or without children
2. an elderly family
3. a near-elderly family
4. a disabled family
5. the remaining member of a tenant family
6. a displaced family
7. a single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Flat Rents: The Housing Authority has adopted Flat Rents which are posted in the office.

Full-Time Student: This is a person who is carrying a subject load which is considered full time for the educational institution or *vocational school* attended.

Grievance Procedure: All tenants are afforded the rights under the policy and are incorporated into the lease by reference.

Guest: Only for purposes of 24 CFR part 5, subparts A and I and parts 960, means a person who is temporarily staying in the unit with the consent of a tenant or other member of the household who has expressed or implied authority to consent on behalf of the tenant.

Head of the Household: Is the person who assumes legal and financial responsibility for the behavior of the household and responsibility for the conduct of the household members.

Household: Means the family and or a live-in aide.

Housing Authority: Richland County Housing Authority, RCHA, Dawson County Housing Authority, or HA

HUD: United States Department of Housing and Urban Development.

Income Exclusions: Earned Income Exclusions are the exclusions allowed the Housing Authority for the purpose of determining rent.

Live-in Aide: A person who resides with an elderly or disabled person, and,  
(1) is determined by the Housing Authority to be essential to the required care of the person; and  
(2) is not obligated to support the person; and  
(3) would not be living in the unit except to provide necessary support services.

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

Medical Expenses: Those medical expenses, including medical insurance premiums, anticipated to be paid during the period for which annual income is computed, which are not covered by insurance and are an out-of-pocket expense to the family. (Medical expenses are allowed only for elderly or disabled households. The amount allowable as a deduction is the amount that exceeds 3 percent of annual income).

Minor: A person other than the head of household or spouse who is under 18 years of age.

Net Family Assets: Value of equity in real property, savings, stocks, bonds, and other forms of capital investment. To determine net family assets, the Housing Authority shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition of trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination. In the case of a disposition of property as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value.

Other person under the tenant's control: For the purposes of the definition, for parts 5 and 966 means that the person, although not staying as a guest in the unit, is, or was at the time of the activity in question on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Person with Disabilities:

1. A person who has a disability as defined in 42 U.S.C. 423;
2. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - i) is expected to be of long-continued & indefinite duration.
  - ii) substantially impedes his/her ability to live independently,
  - iii) and is of such nature that such disability could be improved by suitable housing conditions.
- 2.a Has a developmental disability as defined in 42 U.S.C. 6001.
3. Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome
4. For the purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence;
5. For purposes of reasonable accommodation and program accessibility for persons with disabilities as under "individual with handicaps" as defined in Sec. 8.3

Premises: For the purposes of 24 CFR part 5, and 960, 966 means the building or complex or development in which the public housing dwelling unit is located including common areas and grounds.

Public Assistance Office: Richland County Office of Public Assistance administers TANF, Welfare Reform Programs.

Remaining Family Member: The person of legal age remaining in the public housing unit after the person who signed the lease has left the premises other than by eviction.

Spouse: The legal husband or wife of the head of the household, not the *other adult*

TANF (Temporary Assistance for Needy Families): Monetary assistance which is supplied by programs funded, separately or jointly, by Federal, State or local governments.

Tenant Rent: The amount payable monthly by the family as rent for the use of the dwelling unit and equipment (such as range and refrigerators), but not including furniture, services, and amounts of utilities determined in accordance with the schedule of allowances for utilities supplied by the local supplier. Tenant rent equals Total Tenant Payment less the utility allowance.

Utilities: Electricity, water, sewer, and gas.

Utility Allowance: Subtracted from the Total Tenant Payment for tenant paid utilities.

Very Low-Income Family: This is a family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

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

## **SECTION II.**

### **Montana Rules and Regulations**

The following section of the Montana law is applicable to public housing unless Federal Regulations supercede the following "Montana Annotated 1978 70-24-321"

Tenant to maintain dwelling unit:

1. A tenant shall:
  - (a) comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;
  - (b) keep that part of the premises that he occupies and uses as reasonably clean and as the condition of the premises permit;
  - (c) dispose from his dwelling unit all ashes, garbage, rubbish, and other waste in a safe manner;
  - (d) keep all plumbing fixtures in the dwelling unit or used by the tenant clean;
  - (e) use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators on the premises;
  - (f) conduct himself and require other persons on the premises with his consent to conduct themselves in a manner that will not disturb his neighbors' peaceful enjoyment of the premises; and
  - (g) use the parts of the premises including the living room, bedroom, kitchen, bathroom, and dining room in a reasonable manner considering the purposes for which they were designed and intended.

2. Termination of Tenancy:

Upon termination of the tenancy, tenant shall return the premises to the Landlord in as good order, condition and repair as when received, ordinary wear and tear accepted, and free of all tenants' personal property, trash and debris. Burns, stains, holes or tears of any size or kind in the carpeting, draperies or walls, among other conditions, do not constitute reasonable wear and tear.

a. If rent is not paid when due and Tenant fails to pay rent within three (3) days after written notice of nonpayment and landlord's intention to terminate the rental agreement, if rent is not paid within three (3) days, the landlord may immediately terminate the rental agreement and bring an action for eviction. 70-24-422.

b. The landlord may terminate this agreement for a tenant's material noncompliance with this agreement or violation of 70-24-422, by giving the Tenant a written 14 day notice to cure said noncompliance or violation or to vacate said premises. If the same act or omission that constituted the prior non-compliance should occur within 6 months, landlord may terminate by giving a 5 day written notice specifying the breach and the date of termination.

c. Landlord or tenant may terminate this agreement without cause by service of notice in writing on the other party at least thirty (30) days prior to the date designated in the notice for termination. Rent shall be uniformly apportioned from day to day.

3. Occupancy of Dwelling Unit:

a. Tenant shall not bring, keep or maintain any pet or waterbed on the premises without written consent of Landlord.

b. Tenant shall allow landlord to enter the premises for inspections, repairs, alterations, improvements, showing to actual or prospective tenants' purchasers, workmen, contractors, or mortgagors, and for emergencies. Except in the case of emergency or unless it is impractical to do so, landlord shall give Tenant 24 hours notice of his intent to enter and will enter only at reasonable times. 70-24-312

c. Tenant shall give notice to landlord of any anticipated absence of greater than seven (7) days.

d. In order to avoid deductions from Security Deposit for cleaning, tenant agrees to allow landlord or his agent to inspect the premises at least **48 hours** before tenant surrenders the premises so that the landlord may provide tenant with a written list of cleaning necessary to return the premises to its condition when rented. No deduction for cleaning will be made if tenant accomplishes the cleaning with 48 hours as provided by 70-25-201

e. Any condition of this agreement shall be deemed changed upon the expiration of thirty (30) days following the service by landlord on the tenant of the written notice setting forth the change in such condition, including but not limited to the right to increase the monthly rental charged. In case of rent freeze, tenant shall pay to landlord the full percentage of any increases in utilities (if provided by landlord) and taxes.

f. Landlord shall not be liable to tenant nor insure tenant for any property damage caused by the act or omission of any other tenant or their party. Tenant shall have the option to obtain and pay for any insurance coverage that tenant deems necessary to protect tenant and the tenant's property.

g. Tenant shall not violate any law, nor commit or permit any waste or nuisance on or about the premises, nor in anyway annoy any other tenant of the premises or neighbors nor do or keep anything in or about the premises that will obstruct the public spaces available to other tenants.

h. Tenant, and all persons in or about the premises with tenant's permission shall comply with all rules and regulations made by landlord and served upon tenant. Any such rules and regulations shall be deemed incorporated herein by reference.

i. It is further agreed that if tenant should fail to pay the rent herein stipulated, promptly when due, or should fail to comply with any and all other revisions of this agreement, landlord or his agent may bring appropriate legal action to recover possession of the premises, damages, or delinquent rent and landlord shall be entitled to recover all costs and expenses included , thereby including reasonable attorney fees.

Over the last five (5) years, RCHA has pursued long-term goals to further its mission. This pursuit has lead RCHA to successfully complete many of its objectives. Those objectives not met gave RCHA an overall understanding of the obstacles encountered; therefore, allowing an evolution of step-by-step measures that need to be taken to tackle that specific goal in the future. The Five Year Plan for 2000-2005 also gave RCHA a solid foundation, in which, to build upon subsequent action plans. To demonstrate RCHA success, the following table gives an insight on the measures accomplished and the reasons why other obstacles were not:

<b>INCREASE THE AVAILABILITY OF DECENT, SAFE &amp; AFFORDABLE HOUSING</b>		
<b><i>Goal #1: Expand the supply of marketable units</i></b>	<b>Completed</b>	<b>Reasons Not Completed</b>
Reduce public housing vacancies by 10%		
Reconfigure 1 existing unit per year to reduce the # of units available, starting at the beginning year 3		Did not become necessary
Convert three units to Section 8 Rental Assistance		No program offered. Also, determined not necessary.
Analyze the need for non-dwelling units and convert two units to such purposes if necessary.		Evaluation was completed. It was determined one unit (not two) could be converted.
Submit a demolition or disposition plan in year four if the above goals do not reduce the vacancies as anticipated.		A plan was submitted. It was decided the plan would not be implemented.

<b><i>Goal #2: Improve the quality of existing housing</i></b>	<b>Completed</b>	<b>Reasons Not Completed</b>
Rehabilitate kitchen and bath areas of two units annually in the 004 project.		
Starting with FY2000 improve our PHMAP-PHAS score.		
Starting with FY2001 we will address the physical deficiencies of the annual inspections as required by REAC.		
By 2002, we will have three (3) certified unit inspectors on staff to better locate and resolve housing deficiencies.		
Submit a demolition or disposition plan in year four if the units fail to be occupied. It is anticipated that this may affect 4 to 6 units.		
At a minimum the HA will expend 50% of its capital funding on rehabilitation of viable public housing units.		

<b><i>Goal #3: Increase housing choices</i></b>	<b>Completed</b>	<b>Reasons Not Completed</b>
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The HA and it's non-profit, Richland Affordable Housing Corporation will contract manage a privately owned 221(d) 4 elderly project.		
<b>Goal #3: Increase housing choices (continued)</b>	<b>Completed</b>	<b>Reasons Not Completed</b>
In the year 2000, the non-profit will attempt to purchase the above property of 72 units.		
Starting with FY2001 we will partner with other agencies and banks to conduct homeownership classes.		No households qualified for homeownership.
By 2003, we will have a program in place to implement voucher homeownership opportunities		No households qualified for homeownership.
By 2003, we will convert three (3) public housing units to Section 8 Vouchers.		Pursing demolition/disposition application instead of completing conversion process
<b>IMPROVE COMMUNITY QUALITY OF LIFE &amp; ECONOMIC VITALITY</b>		
<b>Goal #1: Implement measures to deconcentrate Housing Authority projects</b>	<b>Completed</b>	<b>Reasons Not Completed</b>
Flat rates were implemented.		
<b>Goal #2: During rehabilitation, efforts will be made to add security improvements to two (2) units per year.</b>	<b>Completed</b>	<b>Reasons Not Completed</b>
Installed windows; dead bolt locks to 86 units		
<b>PROMOTE SELF-SUFFICIENCY &amp; ASSET DEVELOPMENT OF FAMILIES &amp; INDIVIDUALS</b>		
<b>Goal #1: Promote self-sufficiency &amp; asset development of families &amp; individuals</b>	<b>Completed</b>	<b>Reasons Not Completed</b>
Will provide at least two on-site services for residents (literacy & domestic abuse counseling)		
Will actively participate with "Community Action Council" which adopts the policies for welfare reform.		
Will be a "work site" for the Welfare Reform Program.		
Will offer 'escrow accounts' for public housing tenants		
Will adopt policies by March of 2000 to allow families to keep more of their income.		
<b>ENSURE EQUAL OPPORTUNITY IN HOUSING FOR ALL AMERICANS</b>		
<b>Goal #1: Continue affirmative action measures</b>	<b>Completed</b>	<b>Reasons Not Completed</b>
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.		
Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.		