

# PHA Plans

## Streamlined Annual Version

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

OMB No. 2577-0226  
(exp. 08/31/2009)

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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 for certain types of 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 Annual PHA Plan

## for Fiscal Year: 2008

**PHA Name:**

**Sioux Center Low Rent Housing Agency**

**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.**

## Streamlined Annual PHA Plan Agency Identification

**PHA Name:** Sioux Center Low Rent Housing Agency      **PHA Number:** IA011

**PHA Fiscal Year Beginning:** (mm/yyyy) 04/2008

**PHA Programs Administered:**

**Public Housing and Section 8**     
  **Section 8 Only**     
  **Public Housing Only**  
 Number of public housing units:     
 Number of S8 units:     
 Number of public housing units: 73 + 4 merged  
 Number of S8 units:

**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:				

**PHA Plan Contact Information:**

Name: Carol Van Voorst      Phone: 712/722-2237  
 TDD: 712/722-2921      Email (if available): housing@mtcnet.net  
 Relay Iowa: First dial a telecommunications relay service (TRS) center via 711 or 1-800-606-5099 in order to contact a TRS Communications Assistant (CA). Then, give the CA the area code and number you want to call. During a relay call, the CA will voice everything typed by the TTY user and type everything said by the telephone user. Calls handled by Relay Iowa are strictly confidential.

**Public Access to Information**

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

PHA's main administrative office     
  PHA's development management offices

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

The PHA Plan revised policies or program changes (including attachments) are available for public review and inspection.     
 Yes     
 No.

If yes, select all that apply:

- Main administrative office of the PHA  
    **Sioux Center Low Rent Housing Agency (New Homestead)**  
    **510 North Meadow Drive**  
    **Sioux Center, IA 51250**
- PHA development management offices
- Main administrative office of the local, county or State government  
    **City of Sioux Center**  
    **335 1<sup>st</sup> Avenue NW**  
    **Sioux Center, IA 51250**
- 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 Annual PHA Plan

**Fiscal Year 2008**

[24 CFR Part 903.12(c)]

### Table of Contents

[24 CFR 903.7(r)]

Provide a table of contents for the Plan, including applicable additional requirements, and a list of supporting documents available for public inspection.

<b>A. PHA PLAN COMPONENTS</b>	<b>Page #</b>
<input type="checkbox"/> 1. Site-Based Waiting List Policies <b>903.7(b)(2) Policies on Eligibility, Selection, and Admissions</b>	N/A
<input checked="" type="checkbox"/> 2. Capital Improvement Needs <b>903.7(g) Statement of Capital Improvements Needed</b>	
<input type="checkbox"/> 3. Section 8(y) Homeownership <b>903.7(k)(1)(i) Statement of Homeownership Programs</b>	N/A
<input type="checkbox"/> 4. Project-Based Voucher Programs	N/A
<input checked="" type="checkbox"/> 5. PHA Statement of Consistency with Consolidated Plan. Complete only if PHA has changed any policies, programs, or plan components from its last Annual Plan.	7-8
<input checked="" type="checkbox"/> 6. Supporting Documents Available for Review	9-10
<input checked="" type="checkbox"/> 7. Attachment A: Violence Against Women Act Report	11-12
<input checked="" type="checkbox"/> 8. Capital Fund Program and Capital Fund Program Replacement Housing Factor, Annual Statement/Performance and Evaluation Report	13-21
<input checked="" type="checkbox"/> 9. Capital Fund Program 5-Year Action Plan	22-24

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

**Form HUD-50076, PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the Streamlined Annual Plan** identifying policies or programs the PHA has revised since submission of its last Annual Plan, and including Civil Rights certifications and assurances the changed policies were presented to the Resident Advisory Board for review and comment, approved by the PHA governing board, and made available for review and inspection at the PHA's principal office;

For PHAs Applying for Formula Capital Fund Program (CFP) Grants:

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

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

**Form SF-LLL & SF-LLLa, Disclosure of Lobbying Activities.**

**1. Site-Based Waiting Lists (Eligibility, Selection, Admissions Policies)**

[24 CFR Part 903.12(c), 903.7(b)(2)]

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

**A. 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 B. **N/A – Have Community Wide List**

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

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:

**B. 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 next component. **N/A**

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)

## **2. Capital Improvement Needs**

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

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

### **A. Capital Fund Program**

1.  Yes  No Does the PHA plan to participate in the Capital Fund Program in the upcoming year? If yes, complete items 7 and 8 of this template (Capital Fund Program tables). If no, skip to B.
2.  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: 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. N/A

1.  Yes  No: Has the PHA received a HOPE VI revitalization grant? (if no, skip to #3; if yes, provide responses to the items on the chart located on the next page, copying and completing as many times as necessary).
2. Status of HOPE VI revitalization grant(s):

<b>HOPE VI Revitalization Grant Status</b>	
a. Development Name:	
b. Development Number:	
c. Status of Grant:	
<input type="checkbox"/>	Revitalization Plan under development
<input type="checkbox"/>	Revitalization Plan submitted, pending approval
<input type="checkbox"/>	Revitalization Plan approved
<input type="checkbox"/>	Activities pursuant to an approved Revitalization Plan underway

3.  Yes  No: Does the PHA expect to apply for a HOPE VI Revitalization grant in the Plan year?  
If yes, list development name(s) below:

4.  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:

5.  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:

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

(if applicable) [24 CFR Part 903.12(c), 903.7(k)(1)(i)] N/A

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:

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):

- 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.
- 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.
- Partnering with a qualified agency or agencies to administer the program (list name(s) and years of experience below):
- Demonstrating that it has other relevant experience (list experience below):

#### **4. Use of the Project-Based Voucher Program**

N/A

#### **Intent to Use Project-Based Assistance**

Yes  No: Does the PHA plan to "project-base" any tenant-based Section 8 vouchers in the coming year? If the answer is "no," go to the next component. If yes, answer the following questions. N/A

1.  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:)

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

#### **5. 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) only if the PHA has provided a certification listing program or policy changes from its last Annual Plan submission.

1. Consolidated Plan jurisdiction: (provide name here) Consolidated Plan/ Sioux County CHAS 2000 Data refers to the Comprehensive Housing Affordability Strategy and is comprised of a variety of housing need variables split by HUD income limits (30, 50, and 80 percent of median income) and HUD specified household types. <http://www.huduser.org>

*provides many data sets to assist as part of the consolidated planning process and is helpful in housing planning.*

*State of Iowa / Draft 2005 Consolidated Plan of Dept of Economic Development*

*American Community Survey data information, Guide to PD&R data Sets, Iowa State Library Census data and estimates, and Community Vitality Center information, Comparison of Housing Information from the American Housing Survey and the American Community Survey (September, 2007).* These compare housing information by documenting similarities and differences between surveys and compares estimates of key housing statistics.

*National Low Income Housing Coalition – “The Rental Housing Affordability Gap: Comparison of 2001 and 2003 American Housing Surveys” (March, 2006) -*

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

- The PHA has based its statement of needs of families on its waiting lists 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)  
*Our PHA is continually committed to fair housing and providing affordable suitable housing in the very-low, low, and low/moderate income range as cited as a need in our State Consolidated Plan draft. Iowa has seen high growth rates of Hispanics and Asians due to stimulation by job opportunities in some locations. A growing number of jobs are in relatively low-paying service sectors, which has affected the availability and affordability of housing. Census figures indicate that a high degree of residence stability and a low turnover in housing rental units produce the lack of housing suitable for the various levels of income. Low and very-low income households often do not have the employment stability or the necessary income to pay both for their housing and other basic necessities, such as food and clothing. The supply and demand conditions faced by Extremely Low Income (ELI) households looking for rental housing has worsened according to the 2003 American Housing Survey due to an increase in the number of ELI renter households and a decrease in the stock of affordable units.*

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

*The 2005 Draft State of Iowa Consolidated Plan strives toward the goal of assisting low-income residents, the homeless and persons with special needs by providing housing rehabilitation and upgrade and rental assistance for those who experience cost burdens (commuting costs, energy costs, etc.). There continues to be a statewide shortage of suitable and affordable housing. The State of Iowa will increase and improve fair housing education efforts, form partnerships with agencies to promote diversity awareness, and work to eliminate barriers to affordable housing.*

## 6. Supporting Documents Available for Review for Streamlined 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
N/A	<del>PH</del> <i>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>	5 Year and Annual Plans
X	<i>PHA Certifications of Compliance with the PHA Plans and Related Regulations and Board Resolution to Accompany the Streamlined Annual Plan</i>	Streamlined Annual Plans
N/A	<i>Certification by State or Local Official of PHA Plan Consistency with Consolidated Plan. (Not required for this update)</i>	5 Year and standard Annual Plans
X	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
X	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
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O/ACOP), which includes the Tenant Selection and Assignment Plan [TSAP] and the Site-Based Waiting List Procedure.	Annual Plan: Eligibility, Selection, and Admissions Policies
N/A	Deconcentration Income Analysis <b>24CFR 903.2(b)(2)(i)</b> <b>Fewer than 100 public housing units are exempt</b>	Annual Plan: Eligibility, Selection, and Admissions Policies
X	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
N/A	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
X	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
X	Schedule of flat rents offered at each public housing development. <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy.	Annual Plan: Rent Determination
N/A	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 type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Rent Determination
X	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation).	Annual Plan: Operations and Maintenance
X	Results of latest Public Housing Assessment System (PHAS) Assessment (or other applicable assessment).	Annual Plan: Management and Operations
X	Follow-up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary) <b>Not required at this time</b>	Annual Plan: Operations and Maintenance and Community Service & Self-Sufficiency

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
N/A	Results of latest Section 8 Management Assessment System (SEMAP)	Annual Plan: Management and Operations
N/A	Any policies governing any Section 8 special housing types <input type="checkbox"/> Check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance
X	Public housing grievance procedures <input checked="" type="checkbox"/> Check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
N/A	Section 8 informal review and hearing procedures. <input type="checkbox"/> Check here if included in Section 8 Administrative Plan.	Annual Plan: Grievance Procedures
X	The Capital Fund/Comprehensive Grant Program Annual Statement /Performance and Evaluation Report for any active grant year.	Annual Plan: Capital Needs
N/A	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants. <b>Capital Fund only</b>	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
X	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
X	Documentation for required Initial Assessment and any additional information required by HUD for Voluntary Conversion.	Annual Plan: Voluntary Conversion of Public Housing
X	Approved or submitted public housing homeownership programs/plans.	Annual Plan: Homeownership
N/A	Policies governing any Section 8 Homeownership program (Section _____ of the Section 8 Administrative Plan)	Annual Plan: Homeownership
X	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
X	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
X	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
X	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.	Annual Plan: Pet Policy
X	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
X	Other supporting documents (optional) (list individually; use as many lines as necessary) <b>Resident Member on the PHA Governing Board; Membership of the Resident Advisory Board or Boards; Violence Against Women Act (VAWA) Policy</b>	(specify as needed)
N/A	Consortium agreement(s) and for Consortium Joint PHA Plans <b>Only</b> : 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 Annual PHA Plan for Consortia: Agency Identification and Annual Management and Operations

## **7. Attachment A: Violence Against Women Act Report**

On January 5, 2006, the “Violence Against Women and Department of Justice Reauthorization Act of 2005” was signed into law by President Bush. This bill reauthorizes and expands provisions of the Violence Against Women Act (VAWA), which was originally enacted in 1994.

A goal of the Sioux Center Low Rent Housing Agency is to fully comply with the Violence Against Women Act (VAWA). It is our objective to work with others to prevent offenses covered by VAWA to the degree we can. The Sioux Center Low Rent Housing Agency has adopted a VAWA policy to implement applicable provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162) VAWA).

The Sioux Center Low Rent Housing Agency provides or offers the following activities, services, or programs, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault or stalking.

**The Agency will work and promote area service providers as follows; but not limited to:**

- 1) Family Crisis Center of NW Iowa @ 1-800-382-5603  
P.O. Box 295, Sioux Center, IA 51250**
- 2) Atlas of Sioux Center @ 712-722-4900  
315 1<sup>st</sup> Avenue NE, Sioux Center, IA 51250**
- 3) Mid-Sioux Opportunity, Inc. @ 712-722-3157  
313 N. Main Avenue, Sioux Center, IA 51250**
- 4) Various church organizations and ministry outreach groups in the community**
- 5) Local police, County Sheriff, and other law personnel**

The Sioux Center Housing Agency provides or offers the following activities, services, or programs that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing.

**The Agency will not deny access or evict victims of domestic violence from the housing program related to their being abused but work toward the goal to increase victim confidentiality. Consideration of the unique needs of victims of domestic violence will be given through the above stated organizations and make referrals accordingly.**

The Sioux Center Low Rent Housing Agency provides or offers the following activities, services, or programs to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

**The Agency will try to recognize and accommodate the victims to experience a safe living environment. It will be our goal to maintain confidentiality of certifications of an individual who is a victim of domestic violence, etc. All personal identifying information including the name, address, and social security number will not be disclosed, but remain as confidential information within their file. It will not be entered into any shared database nor provided to any related entity except when the disclosure is: consented to by the individual in writing, required for use in eviction proceedings, or otherwise required by law.**

The Sioux Center Low Rent Housing Agency has the following procedures in place to assure applicants and residents are aware of their rights under the Violence Against Women Act.

1. **Applicants are given upon admission of occupancy a pamphlet entitled “Violence Against Women Act” which defines the rights and obligations of VAWA and are required to sign a Notification of VAWA document verifying receipt of a summary of the principal provisions of VAWA.**
2. **Current tenants are reminded of their rights under VAWA by receiving the pamphlet entitled “Violence Against Women Act” in the event of a termination or start of an eviction proceeding. Tenants may pick up the appropriate certification forms at the office. To avoid placing the victim at risk, delivery of the certification forms will not be done via mail.**

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

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary					
PHA Name: Sioux Center Low Rent Housing Agency			Grant Type and Number Capital Fund Program Grant No: <b>IA05P01150106</b> Replacement Housing Factor Grant No:		Federal FY of Grant: <b>9/2006</b>
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no: 5) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement	\$ 3,601.00	\$ 3,730.14	\$ 3,730.14	\$ 3,730.14
10	1460 Dwelling Structures	\$ 3,719.00	\$ 3,589.86	\$ 3,589.86	\$ 1,416.96
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures	\$ 86,520.00	\$ 86,520.00	\$ 86,520.00	\$ 86,520.00
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	\$ 93,840.00	\$ 93,840.00	\$ 93,840.00	\$ 91,667.10
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				
26	Amount of line 21 Related to Energy Conservation Measures				



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

<b>Annual Statement/Performance and Evaluation Report                      Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)                      Part III: Implementation Schedule</b>							
<b>PHA Name: Sioux Center Low Rent                      Housing Agency</b>			<b>Grant Type and Number</b> Capital Fund Program No: <b>IA05P01150106</b> Replacement Housing Factor No:				<b>Federal FY of Grant: 09/2006</b>
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	
11-1		12/31/07	12/31/07		12/31/07	12/31/07	Additional Grant Funding
11-2	06/30/07	03/31/08		12/31/07	03/31/08		Additional Grant Funding
11-5		03/31/08			03/31/08		Additional Grant Funding

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

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary					
PHA Name: Sioux Center Low Rent Housing Agency			Grant Type and Number Capital Fund Program Grant No: IA05P01150107 Replacement Housing Factor Grant No:		Federal FY of Grant: 09/2007
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no: 3) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$ 3,500.00	\$ 0.00		
8	1440 Site Acquisition				
9	1450 Site Improvement	\$ 24,278.00	\$ 14,145.74	\$ 14,145.74	\$ 14,145.74
10	1460 Dwelling Structures	\$ 37,000.00	\$ 48,372.41	\$ 30,300.00	
11	1465.1 Dwelling Equipment—Nonexpendable	\$ 14,400.00	\$ 12,659.85	\$ 12,659.85	\$ 12,659.85
12	1470 Nondwelling Structures	\$ 12,000.00	\$ 16,000.00	\$ 6,000.00	
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	\$ 91,178.00	\$ 91,178.00	\$63,105.59	\$ 26,805.59
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				
26	Amount of line 21 Related to Energy Conservation Measures	\$ 49,400.00	\$ 42,959.85	\$42,959.85	

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

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part II: Supporting Pages								
PHA Name: Sioux Center Low Rent Housing Agency			Grant Type and Number Capital Fund Program Grant No: IA05P01150107 Replacement Housing Factor Grant No:			Federal FY of Grant: 09/2007		
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	
11-2; 11-5	Elderly/Family Flooring Replacement	1460	3 units	\$ 2,000	\$ 16,832.41			
11-2; 11-5	Replacement Family Water Softener & Plumbing Upgrade	1460	14 dwellings	\$20,000	\$ 31,540.00*	\$31,540.00		
11-2; 11-5	Family Basement Shower Component Replacement (10)	1460	10 dwellings	\$ 9,000	Included in above*	Inc in above*		
11-2; 11-5	Family Stool Replacement (27)	1460	17 dwellings	\$ 6,000	Included in above*	Inc in above*		
11-2; 11-5	Family Appliance Replacement (Stoves & Fridges)	1465.1	15 dwellings	\$14,400	\$ 12,659.85	\$ 12,659.85	\$ 12,659.85	
11-2; 11-5	Engineer Fee/ Upgrade Family Plumbing	1430	16 dwellings	\$ 3,500	\$ 00			
11-2	East Elderly Parking Lot/Repairs & Upgrade	1450		\$ 13,000	\$ 14,145.74	\$14,145.74	\$ 14,145.74	
11-1; 11-2	Elderly Site Boiler Replacement	1470	2 boilers	\$ 12,000	\$ 16,000.00	\$ 6,000.00		
11-2; 11-5	Family Concrete Sidewalk/ Drive Replacement/Repair	1450	3 dwellings	\$ 11,278	\$ 00			

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

<b>Annual Statement/Performance and Evaluation Report                      Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)                      Part III: Implementation Schedule</b>							
PHA Name: <b>Sioux Center Low Rent Housing Agency</b>			Grant Type and Number Capital Fund Program No: <b>IA05P01150107</b> Replacement Housing Factor No:				Federal FY of Grant: <b>09/2007</b>
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	
11-1	06/30/08			12/31/09			Construction began immediately after bid letting
11-2	06/30/08			12/31/09			
11-5	06/30/08			12/31/09			

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

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary					
PHA Name: Sioux Center Low Rent Housing Agency			Grant Type and Number Capital Fund Program Grant No: IA05P011-- Replacement Housing Factor Grant No:		Federal FY of Grant: 09/2008
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:    ) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$ 3,000			
8	1440 Site Acquisition				
9	1450 Site Improvement	\$ 12,700			
10	1460 Dwelling Structures	\$ 79,300			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1501 Collateralization or Debt Service				
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	\$ 95,000			
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				
26	Amount of line 21 Related to Energy Conservation Measures	\$49,300			

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

<b>Annual Statement/Performance and Evaluation Report                      Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)                      Part II: Supporting Pages</b>								
<b>PHA Name: Sioux Center Low Rent Housing Agency</b>			<b>Grant Type and Number</b> Capital Fund Program Grant No: <b>IA05P011--</b> Replacement Housing Factor Grant No:			<b>Federal FY of Grant: 09/2008</b>		
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	
11-2; 11-5	Insulate Family Dwellings (17)	1460	17 dwellings	\$ 20,400				
11-2; 11-5	Upgrade Family Bedroom Ceiling Fans/Lights (17)	1460	17 dwellings	\$ 6,800				
11-2; 11-5	Upgrade Family Foyer & Exterior Lighting (17)	1460	17 dwellings	\$ 8,500				
11-2; 11-5	Install Energy Star Compliant Lighting/Family Living Rooms (17)	1460	17 dwellings	\$ 13,600				
11-2; 11-5	Engineer Fees/ Upgrade Family Lighting	1430		\$ 3,000				
11-2; 11-5	Family Concrete Sidewalk/ Driveway Replacement/Repair	1450	3 homes	\$ 12,700				
11-1; 11-2	Elderly Exterior Plug-Ins, Patio Lighting, & Kitchen Lighting	1460	56 units	\$ 30,000				

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

Annual Statement/Performance and Evaluation Report Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part III: Implementation Schedule							
PHA Name: Sioux Center Low Rent Housing Agency		Grant Type and Number Capital Fund Program No: IA05P011-- Replacement Housing Factor No:				Federal FY of Grant: 09/2008	
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	
11-1	12/31/08			12/31/09			
11-2	12/31/08			12/31/09			
11-5	12/31/08			12/31/09			

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

<b>Capital Fund Program Five-Year Action Plan</b> <b>Part I: Summary</b>					
PHA Name <b>Sioux Center Low Rent Housing Agency</b>				<input checked="" type="checkbox"/> <b>Original 5-Year Plan (2007-2011)</b> <input type="checkbox"/> <b>Revision No:</b>	
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2  FFY Grant: <b>2009</b> PHA FY: <b>2009</b>	Work Statement for Year 3  FFY Grant: <b>2010</b> PHA FY: <b>2010</b>	Work Statement for Year 4  FFY Grant: <b>2011</b> PHA FY: <b>2011</b>	Work Statement for Year 5  FFY Grant: <b>2012</b> PHA FY: <b>2012</b>
11-1	Annual Statement		\$ 95,000	\$ 30,500	
11-2					
11-1; 11-2		\$ 13,000			\$ 61,200
11-2; 11-5		\$ 68,000		\$ 33,500	\$ 33,800
HA-Wide		\$ 14,000		\$ 31,000	
CFP Funds Listed for 5-year planning		\$ 95,000	\$ 95,000	\$ 95,000	\$ 95,000
Replacement Housing Factor Funds					

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

<b>Capital Fund Program Five-Year Action Plan</b>						
<b>Part II: Supporting Pages—Work Activities</b>						
Activities for Year 1	Activities for Year : <u>2</u> FFY Grant: <b>2009</b> PHA FY: <b>2009</b>			Activities for Year: <u>3</u> FFY Grant: <b>2010</b> PHA FY: <b>2010</b>		
	<b>Development Name/Number</b>	<b>Major Work Categories</b>	<b>Estimated Cost</b>	<b>Development Name/Number</b>	<b>Major Work Categories</b>	<b>Estimated Cost</b>
<b>See</b>	11-2; 11-5	Family Kitchen/Entry Flooring Replacement (17)	\$ 30,000	11-1	Elderly Unit Conversion / 2 single units to 1 double	\$ 95,000
<b>Annual</b>	11-2; 11-5	Family Carpet Flooring Replacement (3)	\$ 10,000			
<b>Statement</b>	11-2; 11-5	Family Concrete Sidewalk / Driveway Replacement/Repair	\$ 19,000			
	11-1; 11-2	Paint interior/elderly units (10)	\$ 12,000			
	HA-Wide	Lawn Mower Replacement	\$14,000			
	11-1; 11-2	Washer/Dryer Replacements (Elderly Laundries)	\$ 1,000			
	11-2; 11-5	Family Interior Door Replacement (6)	\$ 9,000			
<b>Total CFP Estimated Cost</b>			<b>\$ 95,000</b>			<b>\$ 95,000</b>



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**SIoux CENTER**  
**LOW RENT HOUSING AGENCY**  
**( NEW HOMESTEAD)**

510 NORTH MEADOW DRIVE  
SIOUX CENTER, IOWA 51250

**PUBLIC HOUSING ADMISSIONS**  
**AND CONTINUED OCCUPANCY POLICY**

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

This plan (ACOP) also serves as our "Tenant Selection and Assignment Plan (TSAP)" because it meets the requirements for a TSAP and provides the details as to how this Agency processes the selection and assignment of applicants for Public Housing.

The ACOP also includes the updated regulations on screening and eviction for drug abuse and other criminal activity for admission to Public Housing and applicable sections of Title V of P.L. 105-276, the Quality Housing and Work Responsibility Act of 1998.

ADOPTED  
December 10, 2007  
Resolution H.A. #2007- 15

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## POLICY ON ADMISSIONS AND CONTINUED OCCUPANCY

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

#### A. MISSION STATEMENT:

The mission of the Sioux Center Low Rent Housing Agency (hereinafter referred to as the PHA or the Housing Authority) is committed to excellence in our assisting of low-income families, the elderly, and disable persons with drug free, safe, decent, and affordable housing opportunities as they strive to achieve self sufficiency and improve the quality of their lives. It is our intent to provide opportunities and promote economic independence for our residents. We will create and maintain partnerships with our clients and appropriate community agencies in order to accomplish this mission.

#### B. FAIR HOUSING:

It is the policy of the Sioux Center 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.

The Sioux Center Housing Authority shall affirmatively further fair housing in the administration of its public housing program.

The PHA will not discriminate because of race, color, sex, gender, religion, age, disability, national or ethnic origin or familial status in the leasing, rental, or other disposition of housing or related facilities (including property) included in any housing development(s) under its jurisdiction covered by a contract for annual contribution under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

It is the policy of the PHA to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (Federal Fair Housing Act), amended by the Community Development Act of 1974, Executive Order 11063, Fair Housing Amendments Act of 1988, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any other legislation protecting the individual rights of tenants, applicants, or staff, which may subsequently be enacted. (24 CFR 960.203) In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The Housing Authority shall not automatically deny admission to any particular group or category of otherwise eligible families nor will any criteria be applied, or information be considered, pertaining to attributes or behavior that may be

imputed by some to a particular group or category. All criteria applied and information considered in administering this policy shall relate solely to the attributes and behavior of the individual members of the household.

The PHA is committed to identifying and eliminating situations which create barriers to equal housing for all. In accordance with Section 504, the PHA will make such procedural, administrative, locational, or physical changes as will reasonably accommodate persons with disability.

**C. REASONABLE ACCOMMODATION**

Individuals with disabilities may need a reasonable accommodation in order to take full advantage of the Sioux Center Housing Authority housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. Because disabilities are not always apparent, the Sioux Center Housing Authority will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

Generally the individual knows best what it is he or she needs; however, the Sioux Center Housing

Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Sioux Center Housing Authority's programs or services.

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

The Sioux Center Housing Authority's review of reasonable accommodation requests may result in the accommodation being granted, partially granted, denied pending further information, or be denied. Reasons for denial would include that the PHA has determined that the action would result in an undue financial hardship and administrative burden or the action would result in a fundamental alteration in the nature of its program or activity.

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

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

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

**D. SERVICES FOR LIMITED ENGLISH PROFICIENCY APPLICANTS & TENANTS**

The Sioux Center Low Rent Housing Agency shall do its best, within reason, to assist people with

Limited English Proficiency (LEP). This shall be accomplished by assessing the need of LEP

persons using the four factors described in the January 22, 2007 Final Guidance to Federal Financial

Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice published in the Federal Register. The

Sioux

Center Low Rent Housing Agency shall balance these factors in deciding what to do:

1. The number or proportion of LEP persons served or encountered in the eligible service area;

2. The frequency with which LEP individuals come in contact with the program;

3. The nature and importance of the program, activity, or service provided by the program; and

4. The resources available to the Housing Authority and costs.

Depending upon what this analysis reveals, the Sioux Center Low Rent Housing Agency may or may not prepare a Language Access Plan (LAP). If a LAP is needed, the guidance outlined in the above reference Notice shall be utilized.

In addition, the Sioux Center Low Rent Housing Agency will endeavor to assist where we can if bilingual language services are required. However, it is the responsibility of the applicant to provide their own translator and/or assist the Housing Authority to access people who speak languages other than English. Finally, the Housing Authority shall utilize multilingual "I speak" cards to the maximum degree possible or when applicable.

**E. SMOKE FREE FACILITY - Elderly/Handicap Development**

The elderly/handicap development is a "smoke free facility". No cigarette or tobacco smoking or use of recreational drugs are permitted in the apartments or common areas, including laundry rooms, community room, hallways, public restrooms, and all other indoor areas. For the residents that smoked as of December 14, 2004, a grandfather clause will allow them to continue to do so as long as they are living in their current apartment.

As a public health issue of providing a healthful living and working environment for PHA residents, staff, and others, second-hand smoke has been proven to cause death and illnesses to others. Therefore, current residents who smoke may be required to move to another unit if their smoking becomes a health issue for a neighboring tenant. This option is at the PHA discretion and authority.

**F. PRIVACY RIGHTS:**

All adult members who are at least 18 years of age of both applicant and tenant households are required to annually sign a valid HUD Form 9886, *Authorization for Release of Information and Privacy Act Notice*. This form states under what conditions HUD will release tenant/family information and includes the Federal Privacy Act Statement. It will also be used to view income data in the UIV system. Alternate consent forms are not acceptable for the PHA use of HUD's UIV and EIV system.

It is also the policy of the PHA to guard the privacy of individuals in accordance with the Privacy Act of 1974, and to ensure the protection of individuals' records maintained by the

PHA. Therefore, the Housing Authority shall not disclose any personal information (including, but not limited to information on any disability) contained in its records to any person or agency unless the individual (applicant or tenant) about whom the information is requested gives written consent (signed release of information request) to such disclosure or unless disclosure is authorized under Federal or State law or regulations, including the Iowa Open Records law. (Reference HUD Form 9886). This privacy policy in no way limits the PHA's ability to collect such information as it may need to determine eligibility, compute rent, or determine the applicant's suitability for tenancy.

G. PURPOSE OF POLICY:

The purpose of this Admissions and Continued Occupancy Policy is to establish guidelines for the PHA staff to follow in determining eligibility for admission to and continued occupancy of Public Housing. The basic guidelines for this policy is governed by requirements of The Department of Housing and Urban Development (HUD), with latitude for local policies and procedures. The Policies and Procedures governing Admissions and Continued Occupancy are outlined in this policy and these requirements are binding upon applicants, residents, and this Housing Authority alike. Notwithstanding the above, changes in applicable federal law or regulations shall supersede provisions in conflict with this policy.

900. Federal Regulations shall mean those found in 24 Code of Federal Regulations (CFR) Parts

H. PRIMARY RESPONSIBILITIES OF THE HOUSING AUTHORITY:

1. Informing eligible families of the availability of public housing assistance;
2. Receiving applications from families and determining their eligibility for assistance;
3. Verify income and other eligibility factors to calculate applicant's rent;
4. Inspecting Public Housing units to determine that they meet or exceed Uniform Physical Condition Standards (UPCS);
5. Approving leases;
6. Collecting rent on a monthly basis from tenants;
7. Annual re-examinations of income, family composition, and redetermination of rent;
8. Terminating leases and authorizing and processing evictions;
9. Ongoing maintenance and modernization of the public housing inventory; and;
10. Comply with HUD rules, ACOP policy, and complete HUD forms.

I. OBJECTIVES: - The objectives of this policy are to:

1. Promote the overall goal of drug free, safe, decent, sanitary and affordable housing by :
  - a. Insuring a social and economic mix of residents within each public housing neighborhood in order to foster social stability and upward mobility. This includes bringing higher income tenants into lower income public housing areas and bringing lower income tenants into higher income public housing areas, if feasible.
  - b. Insuring the fiscal stability of the Housing Authority.

- c. Lawfully denying admission or continued occupancy to applicants or tenants whose presence in a public housing neighborhood are likely to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood or create a danger to Housing Authority employees.
- d. Insuring that Elderly families can live in public housing as long as they are able to live

independently and/or have someone to help them live independently as in the case of a live-in aid.

2. Facilitate the efficient management of the Housing Authority and compliance with Federal Regulations by establishing policies for the efficient and effective management of the Housing Authority inventory and staff.

J. **OUTREACH:** The Sioux Center Low Rent Housing Agency will publicize as much information as possible about the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families through local media (newspaper, radio, etc.) and by other suitable means. The Housing Authority will also try to utilize public service announcements. For those who call the PHA office, the staff may be available to convey essential information.

- The PHA may hold meetings with the Resident Advisory Board
- The PHA may sponsor "Open House" programs within the public housing community to attract potential tenants to view a public housing unit.
- The PHA will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.
- The objective of this effort is to develop a waiting list that is representative of our low-income community. A particular emphasis will be placed on attracting eligible individuals and families least likely to apply for public housing.

**K. REQUIRED POSTINGS**

The Sioux Center Low Rent Housing Agency will make available, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. Income Limits for Admission
- C. Excess Utility Charges
- D. Current Schedule of Routine Maintenance Charges
- E. Dwelling Lease
- F. Grievance Procedure
- G. Fair Housing Poster
- H. Equal Opportunity in Employment Poster
- I. Any current Sioux Center Low Rent Housing Agency notices

**II. ELIGIBILITY FOR ADMISSION**

A. Eligibility Criteria

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

1. Family Status( at the time of application): Those who qualify as a family. A family consists of: (See Appendix D-Glossary of Terms.) (24 CFR 5.403)

a. All families must have a Head of Household or Co-Heads of Household.

b. A **family with or without children.** Two or more persons who live together in a stable family-type relationship and are related by blood, marriage, birth, adoption, court-awarded custody, operation of law; or

c. Elderly Person 62 years or older; or

d. A single person who is:

1) eligible by age, to receive an old age benefit under Title II of the Social Security Act, or

2) disabled within the meaning of either Section 223 of the Social Security Act (42 U.S.C. 423), or of Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 (5)) , and of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, (*For purposes of eligibility for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence or diagnosis of HIV positive.*) or

3) displaced by urban renewal or other governmental action, or

4) the remaining adult member of a tenant family.

e. Near-elderly person (24 CFR 5.403).

(See Appendix D-Glossary of Terms.) (24 CFR 5.403)

f. Special College Student Eligibility Rules:

1) Provide a *written/signed certification* that the student does or does not anticipate receiving financial support from the student's parent(s) or guardian(s) and the amount of support.

2) In order to be eligible for public housing, college students living outside their parents or legal guardians homes must have established a separate household for at least *one year* prior to applying to the public housing program. This will be verified by presenting to the Sioux Center Low Rent Housing Agency evidence of the establishment of the separate household.

3) The college student must not be claimed as a dependant by parent(s) or legal guardian(s) on their Internal

Revenue Services (IRS) return. This will be verified by examining the student's IRS return for the previous year. The Sioux Center Low Rent Housing Agency will examine the box that asks if someone else claimed them on their tax return.

4) If the student is receiving an athletic scholarship that includes over \$5,000 a year for housing costs, the student shall not be eligible for public housing.

2. Head of Household must be 19 years of age or older or 18 years old and married (not common law) or a person that has been relieved of the disability of non-age by court action (sometimes referred to as Majority papers).
3. Income Eligibility: Those whose annual income at the time of admission does not exceed the income limits as prescribed by HUD for Public Housing. (See Appendix A for Income Limits.) (24 CFR 5.609)
  - a. To be eligible for admission to developments or scattered-site units that were available for occupancy before 10/01/81, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area. If the property has Low Income Housing Tax Credits on it, a lower income cap will apply.
  - b. To be eligible for admission to developments or scattered-site units that became available on or after 10/1/81, the family's annual income must be within the very low-income limit set by HUD, unless HUD grants an exception. This means that without a HUD exception, the family income cannot exceed 50 percent of the median income for the area.
  - c. Income limits apply only at admission and are not applicable for continued occupancy.
  - d. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of the Sioux Center Low

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Housing Agency.

- e. Income limit restrictions do not apply to families transferring within our Public Housing Program.
- f. The Sioux Center Housing Authority may allow policy officers who would not otherwise be eligible for occupancy in public housing to reside in a public housing dwelling unit. Such occupancy must be needed to increase security for public housing residents. As a condition of living in public

housing, the police officers are paying rent that is at least equal to the cost of operating the public housing unit and utilities. As of today, no police officers are living in public housing under this provision. They are permitted to live in any of the three developments of the PHA.

- g. If there are no eligible families on the waiting list and the Sioux Center Low Rent Housing Agency has published a 30 calendar day notice of available units in at least one newspaper of general circulation, families above the applicable income limit may be housed. They must vacate the unit if an eligible family applies.
4. Declaration of Citizenship: Those whose members are U.S. Citizens, nationals, or non-citizens who have eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980. (24 CFR 5.500)
  5. Social Security Number Documentation: Those whose members age 6 or older have been issued a Social Security Number (SSN) and have disclosed it to the satisfaction of the PHA. Where a SSN has not been assigned, a signed certification to that effect must be executed. Adults must certify for minors. (24 CFR Subpart B)
    - a. For each family member age 6 and above, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.
    - b. The best verification of the Social Security number is the original Social Security card. If the card is not available, the Sioux Center Housing Authority will accept letters from the Social Security Agency, documentation from other governmental agencies, driver's licenses, military Ids, passports, or other official documents that establish and state their social security number.
    - c. If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.
  6. Signing Consent Forms
    - a. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.

b. The consent form must contain, at a minimum, the following:

1. A provision authorizing HUD or the Sioux Center Low Rent Housing Agency to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
2. A provision authorizing HUD or the Sioux Center Low Rent Housing Agency to verify with previous or current employers or other sources of income information pertinent to the family's eligibility for or level of assistance;
3. A provision authorizing HUD to request income information from the IRS, the Department of Human Services, and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
4. A statement allowing the Sioux Center Housing Authority permission to access the applicant's criminal record and all household members age 18 and over with any and all police and/or law enforcement agencies in the state of Iowa and in other states where the household members are known to have resided; and
5. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.
6. A certification form requested by the housing authority to verify that the individual (applicant/tenant) has a status as a victim of domestic violence, dating violence, or stalking in order to qualify for the protections implemented in the VAWA statute and provide for the confidentiality of that certification.
7. Those whose household composition is appropriate for the unit sizes available in the PHA developments in accordance with the occupancy standards outlined herein.
8. Those who do not maintain another residence in addition to the PHA unit.
9. Those whose members have not committed fraud, bribery, or any other corruption in connection with any Federal Housing Assistance program.

10. Those whose members have not been evicted from public housing, Indian Housing, Section 23, Section 8, or any federally assisted housing program because of *drug-related criminal activity* involving the personal use or possession for personal use for the past five-year period beginning the date of the eviction, not the date the crime was committed.
11. Those whose members have not been convicted of drug-related criminal activity for manufacture or production of methamphetamine on or off of the premises of federally assisted housing.
12. Those whose members who are not currently engaging in or have not engaged in the following in the past five years:
  - a) drug-related criminal activity including illegal use of a controlled substance;
  - b) violent criminal activity,
  - c) other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
  - d) other criminal activity that would threaten the health or safety of the PHA or any employee, contractor, subcontractor, or agent of the PHA.
13. Those whose members are not subject to a registration requirement under a State sex offender registration program (lifetime registrant or a less-than-lifetime registrant). (24 CFR 960.204 (a)(4))
14. Those whose members do not abuse or show patterns of abuse of alcohol.
15. Those who meet or exceed the tenant selection criteria outlined in this Policy.

**B. Verification of Legal Identity and Familial Relationships**

The PHA requires applicants to furnish verification of legal identity for all family members. The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- Current, valid Driver's license
- U.S. military discharge (DD 214)
- U.S. passport
- Voter's registration
- Company/agency Identification Card
- Government issued Identification Card
- Verification of guardianship is: Court-ordered assignment, Affidavit of parent, Verification from social services agency

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Certificate of Birth
- Adoption papers

- Custody agreement
- Health and Human Services ID
- School records

If none of these documents can be provided, a third party who knows the person may, at the PHA's discretion, provide certification to be used as verification.

C. Verification of Marital Status (when necessary to determine custody of children)

- Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.
- Verification of a separation may be a copy of court-ordered maintenance or other records
- Verification of marriage status is a marriage certificate

D. Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent

by the family, the PHA will consider any of the following as verification:

- Divorce Decree
- Legal separation agreement
- Order of protection/restraining order obtained by one family member against another
- Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available
- Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location
- If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated
- If no other proof can be provided, the PHA will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.

E. Special Verification for Adult Students

In addition to other verification procedures, student head of households must provide a *written signed certification* that the student does or does not receive any financial support from his or her parent(s) or guardian(s) and whether or not the student is receiving an athletic scholarship. If support is received, the certification must state the amount of the anticipated support. The Sioux Center Low Rent Housing Agency shall verify that amount using normal third party verification procedures by communicating directly with the supporting person(s). If an athletic scholarship is involved, the Sioux Center Low Rent Housing Agency shall determine if any of the scholarship is available for housing costs.

F. Eligibility Restrictions Regarding Noncitizens

1. As required by HUD (24 CFR 5 subpart E), eligibility for assistance or continued assistance under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980, such as public housing, is contingent upon a family's submission of documentation either declaring U.S. citizenship, national, or a non-citizen who has eligible immigration status or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam. The PHA requires both current tenants and applicants

to submit the required citizenship or eligible immigration documentation for every household member regardless of age in order to receive or continue to receive housing assistance. Documentation is required of all new admissions at the time an application is processed by the Housing Authority. Any current tenant who has not already provided documentation will be required to document citizenship or immigration status at the next reexamination. For each family member, it is necessary to provide citizenship/eligible non-citizen status only one time during continued occupancy at the PHA, unless the family member is an eligible immigrant in a transitional state of admission. In this situation, their status must be updated until they are admitted for permanent residency. Whenever a new family member is added, their citizenship/eligible non-citizen status will be verified and documentation must be provided before the new member can be added to the lease.

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

d. For families claiming U.S. citizenship, each applicant or tenant family member will sign the citizenship declaration form and present appropriate documentation (such as U.S. passport, resident alien card, social security card, birth certificate, military ID, or military DD 214 form, or other appropriate documentation), which will become a permanent part of the tenant file. Adults will be required to sign on behalf of all children under the age of eighteen years.

b. Non-citizens age 62 years or older who are current tenants or applicants will be required to sign a declaration of eligible immigration status and required to show proof of age.

c. Tenants and applicants who are non-citizens declaring eligible immigration status must:

1. sign a declaration of eligible immigration status;
2. provide the original required U.S. Immigration and Naturalization Service documents, such as Resident Alien Card (I-551), Alien Registration Receipt Card (I-151), Arrival/Departure Record (I-94), Temporary Resident Card (I-94), Employment Authorization Card (I-688B), Immigration and Naturalization Service (INS) receipt in the event of any lost or missing cards listed above; The PHA will make a copy (front and back) of the individual's INS documentation and place the copy in the file, return original to family, and also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the PHA will mail information to the INS in order that a manual check can be made of INS records.; and
3. sign a verification consent form.

A birth certificate is not acceptable verification of status. All documents in connection with U.S.

citizenship/eligible immigrant status must be kept five years

The PHA has the right to deny, terminate or adjust housing assistance if members of any household are found to be non-citizens with ineligible immigration status; however, this determination will not take place until all appeal rights requested have been exercised by the household. The PHA may grant time extensions to provide appropriate information, provided that the household shows a diligent effort in obtaining immigration status documents.

3. The PHA may not make assistance available to a family applying for assistance until at least the eligibility of one family member has been established, and assistance must be prorated based on the number of individuals in the family for whom eligibility has been affirmatively established.

4. The PHA may not delay, deny, reduce or terminate eligibility of an individual for assistance on the basis of the immigration status of the individual. The family will not be penalized for delays on the part of those entities which must verify eligible immigration status, except to the extent that the delay is caused by the family.

5. All continued assistance provided to an eligible mixed family after November 29, 1996 will be prorated based on the percentage of family members that are eligible for assistance.

6. The PHA is required to evict and suspend assistance to a family for a period of at least 24 months upon determining that the family has knowingly permitted an ineligible individual to reside on a permanent basis in the family's public housing unit. This provision does not apply if the ineligible individual has already been considered in calculating any proration of assistance for the family.

7. If the PHA discovers that citizenship information provided is expired, fraudulent, or otherwise invalid, it will notify the family or individual of the results of these findings. The family or individual will then have 30 calendar days from the date of the notification to file an appeal with the INS to correct the problem. The family or individual must provide the Housing Authority a copy of the appeal request to the INS, which will become a permanent item in the tenant file. The PHA can extend this 30 calendar day appeal period at its sole discretion if good cause is found.

8. Any applicant or resident family affected by these provisions has the right to a formal appeal provided the family notifies the PHA within 30 calendar days of the action or decision the family wishes to appeal. All appeals will be conducted in accordance with the provisions of the PHA's Grievance Procedure.

9. In accordance with Federal rules, mixed families who were living in the PHA's units on June 19, 1995, are permitted to receive full continued assistance provided that all of the following conditions are met: a) either the family's head or spouse have eligible immigration status; b) any ineligible family members are either the head of household, spouse, parents of the head or spouse, or children (under the age of 18) of the head or spouse.

10. Families that no longer qualify for housing assistance due to their citizenship status may apply for prorated assistance to decrease the level of housing assistance provided to the household based on the ratio of eligible and ineligible persons in the household. The family members must be listed on a statement of non-eligible members and the list must be signed by the head of the household.

The family's assistance is prorated in the following manner:

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

11. Rental housing assistance is prohibited to non-citizen students on student visas and their families, though in the country legally. None of the provisions of the rules related to prorated assistance, continued assistance, or temporary deferral of termination of assistance applies to non-citizen students. This prohibition does not include citizen spouses and their children. The rent must be prorated if they are members of families that include citizens.

G. Ineligibility Because of Prior Eviction for Drug-Related Activity

1. Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession of a drug with intent to manufacture, sell, distribute or use a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. Pursuant to federal law, persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to public housing at the PHA. (See Sec.II -A-10 thru A-12)
2. The PHA will waive this restriction if the applicant can demonstrate to the satisfaction of the PHA that:
  - a. the person has successfully completed a supervised drug or alcohol rehabilitation program such as at Keystone Treatment Center at Canton, S.D., New Life Treatment Center at Woodstock, MN, or an equivalent comparable program approved by the PHA, and
  - b. the person has submitted a certification or release form that she or he is not currently engaged in and has not engaged in criminal activity during the past three years providing supporting information from sources such as: probation officer, a landlord, neighbors, social service agency workers, and criminal records, which the PHA has verified.
  - c. the circumstance(s) leading to the eviction no longer exists. For example, the criminal household person has died, is imprisoned, or is no longer part of the household determined with proper address verification.

For this purpose, the Sioux Center Housing Authority will require the applicant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.
3. It is the policy of the PHA to submit a request for information and a copy of the signed consent form to a drug abuse treatment facility only for a proposed household member whose criminal record indicates prior arrest or conviction for any criminal activity that may be a basis for denial of admission; or whose prior tenancy record indicates that the person engaged in the destruction of property, engaged in violent activity against another person, or interfered with the right of peaceful enjoyment of the premises of other residents.

4. Records Management of Drug Abuse Treatment Facility Information.

Any information which the Housing Authority receives from the facility about a person is :

a. maintained confidentially in accordance with section 543 of the Public Health Service Act (12 U.S.C. 290dd-2)

b. is not misused or improperly disseminated,

c. is destroyed, as applicable

- not later than 5 business days after the Housing Authority makes a final decision to admit the person; or

- if the Housing Authority denies the admission of such person as a household member, in a timely manner after the date on which the statute of limitations for the commencement of a civil action based on that denial has expired.

H. Special Eligibility Provisions Relating to Applicants Requiring a Live-In Aide (24 CFR 5.403(b))

Some applicants and tenants who would not otherwise be able to fully discharge the responsibilities of tenancy may be able to do so with the assistance of a live-in aide residing in the unit. The need for such care must be medically verified. When an applicant or tenant can provide documentation to the satisfaction of the Housing Authority that a live-in aide is required and available, the following provisions shall apply:

1. The live-in aide (age 18 or older) must submit information as requested and be reviewed by applications staff for eligibility under the Tenant Selection Criteria of this policy. This screening includes the criminal background check but not citizenship. If the PHA determines an individual proposed as a live-in aide to be ineligible, the tenant or applicant may propose an alternate live-in aide for screening or may appeal the PHA's determination as provided in the Informal Review Procedure (Appendix C). Applicant or tenant must request and receive approval for each and any live-in aide.

2. Unit Size Consideration. The applicant or tenant and the live-in aide may each be allocated a separate bedroom.

3. Live-in aides are not counted as family members and their income is not included in the calculation of family income. The name of a live-in aide will not be listed on the lease, or form 50058.

4. The primary tenant is responsible for all acts of all household members with respect to the requirements of the

dwelling lease. Any violation of lease provisions by the live-in aide may be cause for eviction of the entire household.

5. The live-in aide does not have rights to continue in occupancy as a remaining member of a household.

I. Verification and Documentation - Screening Criteria

1. General Requirements. The burden is on the applicant to demonstrate to the satisfaction of the PHA that the applicant family is:

- a. Willing to reliably discharge the financial obligations of renting a unit; and
- b. Willing to maintain the unit in a healthy, safe and secure condition; and
- c. Willing to live peaceably with neighbors in a residential community; and
- d. Willing to accept and abide by the terms of the lease agreement, attachments, addenda and all house rules; and
- e. Willing to provide the Housing Authority with accurate and complete information on the application form or any other form or document required to determine initial eligibility, preference status, and continued occupancy for public housing. Failure or refusal to comply or provision of falsified information is grounds for a determination of ineligibility and for termination of tenancy and eviction.

2. Documentation. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the Public Housing lease. The Sioux Center Low Rent Housing Agency will look at past conduct as an indicator of future conduct; however, consideration shall be given to the time, nature, and extent of the applicant's conduct to which might indicate probability of favorable prospects. Emphasis will be placed on whether a family's admission could reasonably be expected to have an adverse effect on the development environment, other tenants, Housing Authority employees, or other people residing in the immediate vicinity of the property. The following information related to an applicant's potential future habits or practices will be used to determine if the applicant meets the PHA's selection criteria:

- a. The household's acceptable past performance history in meeting financial obligations, especially rent and any utility payments. Positive or neutral references from the current landlord and at least one prior landlord and

neutral or better credit reports, together constitute adequate evidence that the applicant household meets this criteria.

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

- The applicant was residing in a substandard unit and was withholding rent payments pending repairs in a manner consistent with local ordinances;  
or

- The record of nonpayment or frequent late payment was due to the applicant being required to pay excessive rent relative to his/her income and the applicant demonstrated responsible efforts to resolve the nonpayment problem.

b. The applicant household does not have a record of disturbance of neighbors, incidents of disruptive conduct, or destruction of property. Acceptable landlord references and police and court record reports showing that no household member engages in these types of activities, together constitute adequate evidence that the household meets this criteria.

c. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition. The household does not have a record of living or housekeeping practices at prior residences which may adversely affect the health, safety or welfare of others, or cause damage to PHA property. Acceptable landlord references or satisfactory or better home visit rating constitute adequate evidence that the household meets this criteria.

d. The household does not have a record of criminal activity involving crimes of physical violence against persons or property or drug-related criminal activity on the part of any household member which would adversely affect the health, safety or right to peaceful enjoyment of the premises by others including residents; or which would threaten the health or safety of the PHA, any employee, contractor, subcontractor or agent of the PHA who is involved in the housing operations. This includes crimes of physical violence against persons or property and damage to property. The National Crime Information Center (NCIC), court, police record reports, and other law enforcement agencies showing that no household member has a record of such activity constitute adequate evidence that the household meets this criteria.

- The PHA may require an applicant to exclude a household member in order to be admitted to the housing program, where that household member has participated in or been culpable for actions that warrants denial.

e. The household does not have any individual registered under a State sex offender registration program who is subject to a lifetime or less-than-lifetime registration requirement. A sex offender's prior act could also fall under "violent criminal activity". A check of necessary criminal history background in the State registry where the housing is located and in other States where household members are known to have resided of the State's sex offender registration programs showing that no adult household member, including live-in aides, engage in this type of activity will constitute adequate evidence that the household meets this criteria.

If the applicant is about to be denied housing based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information before the denial or eviction occurs.

f. There is no reasonable cause to believe that any member of the applicant household has exhibited a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol which interfered with the health, safety, or right to peaceful enjoyment of the premises by other tenants. Acceptable landlord references and court and police record reports showing that no household member has exhibited these patterns constitute adequate evidence that the household meets this criteria.

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

- has successfully completed a supervised drug or alcohol rehabilitation program;
- has otherwise been rehabilitated successfully; or
- is satisfactorily participating and within one (1) month of successful completion of a supervised drug or alcohol rehabilitation program approved by the Housing Authority and verified by the case manager of such program.
- the circumstances leading to the eviction no longer exist (for example the criminal household member is in prison or has died.)

- g. The applicant or any member of the applicant household is not a former tenant of the PHA who had a record of lease violations or whose tenancy was terminated by the Housing Authority. No previous tenant may be readmitted unless all previous amounts owed have been paid; but payment of such debt does not necessarily entitle an applicant to eligibility under this section unless the PHA has agreed in writing to grant eligibility upon payment of amounts due.
- h. The household is willing to accept and comply with the terms of the lease agreement and other related documents. Acceptable landlord references or satisfactory or better home visit rating constitute adequate evidence that the household meets this test. In the absence of acceptable landlord references or home visit rating, a credible reference from the current housing provider, stating that the household is capable of complying with the terms of the lease agreement is acceptable.
- i. The household has not committed fraud, bribery, misrepresented or falsified any information related to eligibility, preference status, selection criteria, or income and has provided all information requested and required by the PHA. If at any time during the tenant selection process it is determined that the household has provided information which is false or misleading, or has failed to supply the PHA with any information or documentation required, the applicant household will be considered to have failed this criteria. In the event the misrepresentation is discovered after admission, the lease will be terminated for such misrepresentation.

Note: The above list is not intended to be all inclusive. Applicants may be denied admission if the PHA has reason to believe that the conduct of the applicant has been such as would be likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare or to affect adversely the physical environment or the financial stability of the project if the applicant were admitted to the project.

3. Verification Procedures. The PHA will use the following procedures to verify if the applicant meets the tenant selection criteria:

- a. References from Landlords and Prior Landlords. The PHA will obtain references from current and prior landlords for the past five years, if any, and places great importance on the information obtained from these references as prior landlords have relationships with prospective tenants that are similar to the relationship to be established with the PHA.

The PHA will attempt to check court records for evidence of evictions or judgements against members of the household. References from landlords who are related by blood or marriage are generally considered to be insufficient. In addition, the PHA may schedule and perform a home visit and/or attempt to interview the current housing provider and others who are familiar with the behavior and abilities of household members.

b. *Home Visits.* If the applicant is currently residing within the PHA's jurisdiction, the PHA staff may perform a home visit for applicants for whom landlord references of acceptable credibility and quality are not available. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. The purpose of the Home Visit is to obtain information to be used in determining whether the applicant household meets certain of the PHA's tenant selection criteria and will consider the following:

- (i). Condition of entrance ways, halls and yards.
- (ii). Cleanliness in each room used by the household, including rooms shared with other households, if applicable.
- (iii). General care of furniture, appliances, fixtures, windows, doors and cabinets.
- (iv). Evidence of destruction of property.
- (v). Evidence of unauthorized occupants.
- (vi). Evidence of criminal activity.
- (vii). Conditions inconsistent with the information supplied in any application or other document submitted by the household.

Applicants will be given at least two days' advance written notice of the home visit. If the results of the home visit indicate tenant-caused health or safety hazards, tenant-caused damages, or housekeeping practices leading to infestation by pests, the applicant household will be considered to have failed the PHA's tenant selection criteria.

c. *Credit Reports.* The PHA will obtain credit reports on all adult family members to determine the household's history of meeting financial obligations, especially rent and utilities. The purpose of the credit report is to provide as much information as possible in order to make an informed decision to grant or renew public assistance. Lack of credit history will not, in itself, cause an applicant to fail this criteria.

d. *Police and Court Records Check.* The PHA will check police (state or local law enforcement) and court records for

all adult members of the applicant family, including live-in-aides for evidence of behavior including a criminal background check which is relevant to the tenant selection criteria outlined herein. Where the individual has lived outside the local area, the PHA may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). This criminal background check will proceed after each adult household member has signed a consent form designed by the Sioux Center Housing Authority.

The information received as a result of the criminal background check shall be used solely for screening, lease enforcement, and eviction purposes. The information derived from the criminal background check shall be shared only with employees of the Sioux Center Housing Authority who have a job-related need to have access to the information. The information shall be maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose(s) for which it was requested has been accomplished and the period for filing a challenge to the Sioux Center Housing Authority's action has expired without a challenge or final disposition of any litigation has occurred.

4. Sources of Information. Sources of information that the PHA will use include but are not limited to:
  - a. Members of the applicant household.
  - b. Present and prior landlords or housing providers.
  - c. Present and former neighbors.
  - d. Present and former employers.
  - e. CreditBureaus / Credit Bureau Association (CBA) Credit Reports:  
<https://www.annualcreditreport.com/cra/index.jsp> allows search of 3 major credit reporting agencies as follows: Equifax, Experian, and Transunion
  - f. Landlord Record services, where applicable.
  - g. Social workers, child support officials, school officials, drug and alcohol treatment centers, clinics, health care providers and clergy.
  - h. Police departments, parole officers and court records.
  - i. Welfare Department
  - j. Internal Revenue Service (IRS) Letter 1722 (tax account listing).
  - k. Sex offender registration records including web sites: [www.iowasexoffender.com](http://www.iowasexoffender.com) and [www.nsopr.gov](http://www.nsopr.gov) (National Sex Offender Public Registry)
  - l. Iowa Courts Online web site: [www.iowacourts.state.ia.us](http://www.iowacourts.state.ia.us)
  - m. Child Support Recovery web site: [www.childsupport.dhs.state.ia.us](http://www.childsupport.dhs.state.ia.us)
5. The PHA staff will be the final judge of what constitutes adequate and credible information. If there are sufficient doubts with respect to the veracity, credibility, or reliability of any information received, the PHA retains the right to pursue alternative sources of information until satisfied that the information received is the best available.

6. In the event that the PHA receives adverse and unfavorable information regarding an applicant household, consideration will be given to the time, nature and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct and that certain undesirable behavior will not be repeated.
7. The Housing Authority shall maintain a record of all applicants determined ineligible as a result of the failure to meet its Tenant Selection Criteria with an indication of the specific reason(s) for the determination of ineligibility.
8. Verification information must be dated within ninety (90) calendar days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

### **III. GROUNDS FOR DENIAL OF ADMISSION**

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

1. Do not meet any one or more of the eligibility criteria, as stated in Section II(A);
2. Do not supply information or documentation required by the application process set forth in this policy;
3. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
4. Refuse to cooperate with the prescribed verification system, as stated in Section II(B),(C),(D), (E), (F), (G), & Section IV(H);
5. Have a history of not meeting financial obligation especially rent and/or any utility payments;
6. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants.
7. Have engaged in or threatened abusive or violent behavior towards any Sioux Center Housing Authority staff member or residents (excludes victims of domestic violence, dating violence, or stalking);
8. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property;

For the purpose of the Policy, if any member of the applicant family has been arrested at least one (1) time within the prior five (5) year period for this purpose, they will be determined to have engaged in criminal activity, drug-related criminal activity or violent criminal activity.

Being a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission. The Housing Authority will require verification in all cases where an applicant claims protection against an action proposed to be taken by the Housing Authority involving such individual. Types of acceptable verifications are outlined in Section XIV of the ACOP, and must be submitted within fourteen (14) business days after receipt of the Housing Authority's written request for verification.

9. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
10. Have any household member who has committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
11. Have any household member who is currently engaging in illegal use of a drug or the Sioux Center Housing Authority determines that it has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
12. The Sioux Center Housing Authority determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
13. Arsonists, fugitive felons, parole violators, and persons fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
14. **Denied for life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development, in a Section 8 assisted property; or on or off the premises of other federally assisted housing.

15. **Denied for life:** If any family member of the household is subject to the **lifetime or less-than-lifetime** registration requirement under a State sex offender registration program. The Housing

Authority will deny admission/participation to all person's listed on the Registered Sexual

Offenders list provided by any state. By being listed on the sexual offenders list the Housing

Authority will consider as proof that the applicant has committed a violent criminal activity that

may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents and/or persons living in the immediate vicinity.

16. Use of criminal records.

Applicant: Before the PHA denies admission to the public housing program on the

basis of a criminal record, the PHA must notify the household of the proposed action to be based

on the information and must provide the subject of the record and the applicant with a copy of the

criminal record and an opportunity to dispute the accuracy and relevance of that record.

Tenant: If the PHA seeks to terminate the tenancy for criminal activity as shown by a criminal record, the PHA must notify the household of the proposed action to be based on the information and must provide the subject of the record and the tenant with a copy of the criminal record before a PHA grievance hearing or court trial concerning the termination of tenancy or eviction. The tenant must be given an opportunity to dispute the accuracy and relevance of that record in the grievance hearing or court trial.

#### **IV. APPLICATION FOR ADMISSION**

##### **A. New Homestead Application Intake Procedure**

Families wishing to apply for the Public Housing program will be required to complete an application for housing assistance.

Applications will be received at the office of New Homestead at 510 North Meadow Drive, Sioux Center, Ia. between 8:15 AM - 12:15 PM, Monday through Friday. Applications will be mailed to interested families upon request. Only a written *completed* application signed by the head of the family or a responsible member of the family will be accepted from each family seeking admission to low-rent housing owned or leased by this Authority. The information will be verified by the Housing Authority.

If bilingual language services are required, we will try to assist where we can. However, it is the responsibility of the applicant to provide their own translator. (See Section I D)

Persons with disabilities who require a reasonable accommodation in completing an application may call the Sioux Center Housing Authority to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the hearing impaired through our local library. The TDD telephone number is 712-722-2921.

B. Criteria for Placement & Organization of Waiting List

Applications are taken to compile a waiting list, which is always open. An applicant will be assigned to the appropriate waiting list according to the date and time that the application information was initially provided, the type and size of unit required, and local preferences claimed. When the waiting list is depleted, and units are available, the waiting list will be announced through the media stating that applications for public housing will be accepted. The announcement will state where, when, and how to apply and will be in compliance with Fair Housing requirements. The applicant will be provided information on the housing program and its requirements.

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information (i.e. family composition, income, etc.) establishing any preferences to which they may be entitled. This first phase results in an apparently eligible family's placement on the waiting list.

- It is the responsibility of the applicant to accurately and completely fill out the application form. If an incomplete pre-application is received, the PHA shall make reasonable efforts to contact the applicant and inform him/her of the additional information required. If those efforts fail, the pre-application will be withdrawn. Reasonable efforts shall not exceed one letter or two telephone calls. A record of those efforts shall be maintained with the pre-application.
- For purpose of placement on the waiting list, the chronological date used will be the date of final completion of the form.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. The PHA will ensure that verification of all preferences, eligibility, suitability and selection factors are current (less than 90 calendar days old) in order to determine the family's final eligibility for admission into the Public Housing Program.

C. Maintaining an Active List

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

applicant who fails to respond to a written request for information or a request to declare their continued interest in the program will be removed from the waiting list.

D. Responsibility to Report Changes

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

E. Removal from the Waiting List

An applicant may withdraw an application at any time by a written request. A withdrawn application cannot be reactivated and the applicant who has withdrawn an application shall be required to reapply. Any applicant who: 1) does not meet either the eligibility or suitability criteria for the housing program; 2) fails to respond to a written request for information or a request to declare their continued interest in the program (this includes mail undeliverable by the Postal Service which is returned to the Sioux Center Low Rent Housing Agency); or 3) has found other housing will be removed from the waiting list. Any applicant removed from the waiting list by the PHA will be notified in writing of the reason(s) for which the application is being removed. Such notification shall inform the applicant that they have ten (10) business days from the date of the written correspondence to present mitigating circumstances or request in writing an informal review of the determination of removal from the waiting list and decision denying assistance. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the time frame specified. Any applicant determined eligible after the submission of additional information or through an Informal Review shall be placed on the waiting list according to the date and time of the original application. This notification will be made part of the application record.

The Sioux Center Low Rent Housing Agency system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the PHA will verify that there is, in fact, a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

F. Missed Appointments

All applicants who fail to keep a scheduled appointment with the Sioux Center Housing Authority will be sent a notice of termination of the process for eligibility. The PHA will allow the family to reschedule for good cause, as determined by the PHA. 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. Only one opportunity will be given to reschedule with good cause in a twelve (12) month period. When good cause exists for missing an appointment, the PHA will work closely with the family to find a more suitable time.

G. Record Keeping

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

Under Iowa Code, Chapter 22, all housing authority records, including tenant/participant files, are public records, with the exception of certain prohibited exemptions (such as medical information, Social Security #, etc.). The Sioux Center Low Rent Housing Agency must provide notification to the resident(s) of a request to release his/her public records prior to releasing any data. Any data contained in the EIV system is the property of HUD - a Federal Agency - and is clearly protected by the Federal Privacy Act. This information may only under all circumstances be re-disclosed to the person the information pertains to. Federal law prevails State law. The PHA requires a \$10 charge for public retrieval of any case file information and a fee of \$1.00 per page to be copied.

H. Eligibility Determinations and Verification Procedures

1. Applicants will be placed on the waiting list based on information provided on the application form. When Housing Authority staff estimate that a unit will be available within the next several months, applicants are invited to attend an interview, upon which the formal verification process of information provided and the tenant selection process will commence. If more than 90 calendar days elapse between the date of the determination of the family's eligibility and the date the family is scheduled for admission, all eligibility factors are to be re-checked for changes prior to admission.
2. Acceptable Verification Methods of Eligibility and Preference Status. HUD regulations require the PHA to verify the factors of eligibility and Total Tenant Payment/Tenant Rent. Whenever information is requested, each applicant and tenant household shall be required to provide all true and complete information and authorizations necessary to enable staff to verify the applicant's qualification for preference status, income eligibility, household composition and conformance to the Housing Authority's Tenant Selection Criteria (Section V-A).

The PHA's verification requirements are designed to maintain program integrity. The PHA will obtain proper authorization from the family before requesting information from independent sources.

- a. Release of Information (24 CFR 5.230). Adult family members will be required to sign the form HUD 9886, Authorization for Release of Information/Privacy Act Notice. In addition, all adult family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886. Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature.

Refusal to cooperate with the prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by the PHA or HUD.

- b. Each applicant household shall have an interview with a member of the management staff. Every adult member of the applicant household should be present at the office visit except when there are extenuating circumstances
- c. Information may be required for any or all household members. Age, relationship, U.S. citizenship status, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or, for citizenship, documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.
- d. 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 Sioux Center Housing Authority will send a request form to the source along with a release form signed by the applicant/tenant via first class mail, fax, or e-mail.

Verification Requirements for Individual Items

Items to be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
<b>General Eligibility Items --</b>		
Social Security Numbers for all family members 6 years of age or older	Letter from Social Security, electronic reports	Social Security card <u>or a third party document stating the Social Security Number</u>
Adult Status of the Head of Household		Valid drivers license identification card issued by a government agency, or a birth certificate.
<b>Items to be Verified</b>	<b>3<sup>rd</sup> party verification</b>	<b>Hand-carried verification</b>
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc.	Proof of SSI or Social Security disability payments.
Stable Family Relationship	N/A	Copy of joint tax return or insurance policies, or prior lease held jointly, or certification of joint bank accounts; and/or birth

Verification Requirements for Individual Items

		certificates of children
Full time student status (if >18)	Letter from school	For high school <u>and/or college</u> students, any document evidencing enrollment.
College student verification as dependent by parent(s) or legal guardian(s) on their IRS tax return.		Copy of college student's Form 1040EZ, 1040A, or 1040 tax returns for the prior year. If practicable, review the college student's parents' or guardians' tax return.
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Childcare costs (When it allows an adult family member to be employed, to actively seek employment, or to further his/her education)	Letter from care provider	Bills and receipts
Disability assistance expenses (Include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allows an <b>adult</b> family member to be employed)	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses (Of all family members in households whose head, spouse, or co-head is elderly or disabled)	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
<b>Items to be Verified</b>	<b>3<sup>rd</sup> party verification</b>	<b>Hand-carried verification</b>
Medicare Prescription Drug Coverage		A card issued by the private prescription drug plan with the words Medicare Rx on it.
"Preference" status, as applicable	Completion of Local Preference Status Request form	

Verification Requirements for Individual Items

**Value of and Income from Assets**

Savings, checking accounts	Letter from institution	Passbook, most current statements
CD's, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property <u>held as an investment</u>	Assessment, bluebook, etc.	Receipt for purchase, other evidence of worth
Cash value of <u>whole</u> life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth

**Income**

Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Social Security Administration	N/A	Letter from Social Security as verified by HUD computer systems
<b>Items to be Verified</b>	<b>3<sup>rd</sup> party verification</b> <b>Hand-carried verification</b>	
Social Security Administration	N/A	Letter from Social Security as verified by HUD computer systems



- (a) **Enterprise Income Verification System (EIV)** - HUD's online wage and benefit system that allows our PHA to view employment information, wages, unemployment compensation and social security benefit, including Social Security (SS) and Supplemental Security Income (SSI) information at any point in time. This information is used to verify tenant reported income from an independent source in computerized form. Last eight (8) amounts of Social Security benefits paid to a participant (or household member) may be obtained from the UIV system. The PHA will identify residents whose identity verification has failed as part of the annual reexamination process.
- The PHA will attempt to resolve PIC/SSA discrepancies by reviewing file documents. When the PHA determines that discrepancies exist due to PHA errors such as spelling errors or incorrect birth dates, the errors will be corrected promptly.
  - Note that if the tenant disputes UIV Social Security (SS)/Supplemental Security Income (SSI) benefit data, the PHA should request the tenant to provide the PHA with a current, original Social Security Administration (SSA) notice or benefit letter within 10 business days of the PHA interview date. The tenant may contact SSA at 1-(800) 712-1213 or visit their local SSA office.
  - Social Security Earnings Statement (summary of gross earnings for each year that the participant has worked in his/her lifetime) may be obtained from the Social Security Administration. Request for this document may be done via mail or online at [www.sssa.gov](http://www.sssa.gov).
- (b) **State Wage Information Collection Agency (SWICAs)** - Two years of earnings may be obtained from the UIV System or local State Wage Information Collection Agency (SWICA).
- (c) **State systems for the Temporary Assistance for Needy Families (TANF) program**
- (d) **Credit Bureau Information (CBA) credit reports**
- (e) **Internal Revenue Service (IRS) Letter 1722**
- (f) **Private sector databases (e.g. The Work Number)**

It is important to note that UIV data will only be used to verify a participant's eligibility for participation in a rental assistance program and to determine the level of assistance the resident is entitled to receive and only properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD Headquarter UIV Security System Administrator, is specifically prohibited and will not occur.

No adverse action can be taken against a resident until the Sioux Center Low Rent Housing Agency has independently verified the UIV information and the resident has been granted an opportunity to contest any adverse findings through the established grievance procedure. The consequences of adverse findings may include the Sioux Center Low Rent Housing Agency requiring the immediate

payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

Furthermore, the information the Sioux Center Low Rent Housing Agency derives from the UIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals.

Once the data has served its purpose, it will be destroyed by either burning or shredding the data.

- (2) **Third-Party Written Verifications.** This type of verification includes written documentation, with request forms sent directly to and received directly from a source, not passed through the hands of the family. The family will be required to sign an authorization for the information source to release the specified information. The PHA may elect to first-class mail, fax, or e-mail the verification request form to the independent source. The PHA will accept verification delivered by the family in the form of a report generated automatically by another government agency, i.e., Department of Welfare, Veterans Administration, Unemployment Compensation Board, City or County Courts, etc.

Third-party written verifications may also be used to supplement Up-front Income Verifications. They will be utilized when there is a discrepancy of \$200 a month or more and the participant disputes the UIV results.

Third party verification of SS and SSI benefits shall be obtained by getting a copy of an official Social Security Administration letter of benefits from the person receiving the benefits and verification from HUD's on-line systems (Enterprise Income Verification System- EIV) or the Social Security Administration (SSA) Form 7004. If either of these forms of verification are not obtainable, then the file shall be documented as to why third party verification was not used.

The Sioux Center Low Rent Housing Agency will allow up to two (2) weeks for the return of third party written verifications prior to continuing on to the next type of verification. In the event that the independent source does not respond to the PHA's mailed, faxed, or e-mailed request for information, the PHA may pursue oral third party verification.

- (3) **Third-Party Oral Verifications.** This type of verification includes direct contact with the source, in person or by telephone. When this method is used, staff members will be required to document in writing with whom they spoke, the date of the conversation and the facts obtained. If oral verification is utilized, the PHA must originate the call.

The Sioux Center Low Rent Housing Agency will allow up to five (5) business days for the return of third party oral verifications prior to continuing on to the next type of verification

The PHA may make an **exception** to obtaining third party verification when for assets and expenses:

- a) The asset or expense to be verified is not a significant amount (less than \$500) and would have minimal impact on the total tenant payment (TTP) and the PHA is able to verify the asset or expense through review of original documents provided by the tenant; or
- b) An independent source does not have the capability of sending written third party verification directly to the PHA or does not facilitate oral third party verification; or
- c) It is not cost effective or reasonable to obtain third party verification of assets and expenses.

(4) **Review of Documents.** When UIV, written and oral third party verifications are not available with the two (2) weeks and five (5) business days period allowed in paragraphs 2 and 3 above, the Housing Authority will annotate the file accordingly and will use the information/documents provided by the family as the primary source if the documents provide complete information. The applicant/tenant provided documents must be dated within the last ninety (90) days of the PHA review date. Photocopies of the documents, excluding government checks, provided by the family will be maintained in the applicant/tenant file. In cases in which documents are viewed and cannot be photocopied, staff reviewing the documents will complete a "Certification of Document Viewed" written statement as to the contents of the document(s).

The PHA will accept the following documents from the family provided that the document is an original and does not appear to be tampered or altered.

- Printed wage stubs
- Computer print-outs from the employer
- Letters signed by the employer or other appropriate party (provided that the information is confirmed by phone)
- Other documents noted in this Section as acceptable verification

The PHA will accept faxed and photocopied documents when received directly from the generating source.

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

(5) **Self-Certification and Self-Declaration.** When UIV, written and oral third party verifications are not available within the two (2) week and five (5) business days period allowed in paragraphs (2) and (3) above, and hand-carried verification cannot be obtained, the Housing Authority will accept a notarized and witnessed statement/affidavit/ certification/statement under penalty of perjury detailing information needed, signed by the head, spouse, co-head, or other adult family member.

Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as the documentation had been written, i.e. name, date of contact, amount received, etc.

When any verification method other than Up-Front Income Verification is utilized, the Sioux Center Low Rent Housing Agency will document the reason for the choice of the verification methodology in the applicant/resident's file. However, the applicant shall not be penalized either by denial of admission or by unreasonable delay of placement solely

because third party sources have failed to respond to requests for information in a timely manner. When the applicant and the PHA have made all reasonable efforts to obtain information, the PHA shall proceed with the processing of the application using the best available information.

f. **UIV Income Data is Not Substantially Different than Tenant-Provided Income Information.**

UIV may alleviate the need for 3<sup>rd</sup> party verifications when there is not a substantial difference between UIV and tenant-reported income. HUD defines substantial difference as \$200 or more per month.

In cases where UIV income data is not substantially different than tenant-reported income, the PHA will follow these guidelines:

- If UIV income data is less than **current** tenant-provided documentation, the PHA will use tenant-provided documents to calculate anticipated annual income as long as the difference is with the aforementioned \$200 threshold. The income reflected on the UIV verification must not be more than 60 days old.
- If UIV income data is more than **current** tenant-provided documentation, the PHA will use UIV income data to calculate anticipated annual income **unless** the tenant provides the PHA with documentation of a change in circumstances (i.e. change in employment, reduction in hours, etc.). Upon receipt of acceptable tenant-provided documentation (not more than 60 days old) of a change in circumstances, the PHA will use tenant-provided documents to calculate anticipated annual income.

g. **UIV Income Data is Substantially Different than Tenant-Provided Income Information.** In cases where UIV income data is substantially different (\$200 or more) than tenant-reported income, the PHA will follow these guidelines:

- The PHA shall request written third party verification from the discrepant income source, in accordance with 24 CFR 5.236(3)(i).
- The PHA shall review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when the PHA can not readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud. PHA may average amounts received/earned to anticipate annual income when unable to anticipate annual income due to historical fluctuations in income.
- The PHA must analyze all data (UIV data, third party verification and other documents/ information provided by the family) and attempt to resolve the income discrepancy.
- The PHA will use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

h. **Levels of Verification Methods.** Our PHA will begin with the highest level of verification method.

Upfront (UIV)	Highest (Highly Recommended, highest level of third party verification)
Written 3 <sup>rd</sup> Party differs	High (Mandatory if upfront income verification is not available or if UIV data substantially from tenant-reported information)
Oral 3 <sup>rd</sup> Party	Medium (Mandatory if written third party verification is not available)
Document Review	Medium-Low (Use on provisional basis)
Tenant Declaration	Low (Use as a last resort)

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)
Wages/Salaries	<p>Use of computer matching agreements with a State Wage Information Collection Agency (SWICA) to obtain wage information electronically, by mail or fax or in person.</p> <p>Agreements with private vendor agencies, such as The Work Number or ChoicePoint to obtain wage and salary information</p> <p>Use of HUD systems, when available.</p>	<p>The PHA mails, faxes, or e-mails a verification form directly to the independent sources to obtain wage information.</p> <p>The PHA may have the tenant sign a Request for Earnings Statement from the SSA to confirm past earnings. The PHA mails the form to SSA and the statement will be sent to the address the PHA specifies on the form.</p>	<p>In the event the independent source does not respond to the PHA's written request for information, the PHA may contact the independent source by phone or make an in person visit to obtain the requested information.</p>	<p>When neither form of third party verification can be obtained, the PHA may accept original documents such as consecutive pay stubs (HUD recommends the PHA review at least three months of pay stubs, if employed by the same employer for three months or more), W-2 forms, etc. from the tenant. Note: The PHA must - document in the tenant file, the reason third party verification was not available.</p>	<p>The PHA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from earnings. <b>Note:</b> The PHA must document in the tenant file, the reason third party verification was not available.</p>

**Verification of Employment Income:** The PHA shall always try to obtain as much information as possible about the employment, such as start date (new employment), termination date (previous employment), pay frequency, pay rate, date of last pay increase, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and position of the person completing the employment verification form.

**Effective Date of Employment:** The PHA should always confirm start and termination dates of employment

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declarations
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)

Self-Employment	Not Available	The PHA mails or faxes a verification form directly to sources identified by the family to obtain income information.	The PHA may call the source to obtain income information.	The PHA may accept any documents (i.e. tax returns, invoices and letters from customers) provided by the tenant to verify self-employment income. Note: The PHA must document in the tenant file, the reason third party verification was not obtained.	The PHA may accept a notarized statement or affidavit from the tenant that declares the family's total annual income from self-employment. Note: The PHA must document in the tenant file, the reason third party verification was not available.
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Verification of Self-Employment Income: Typically, it is a challenge for PHAs to obtain third party verification of self-employment income. When third party verification is not available, the PHA shall always request a notarized tenant declaration that includes a perjury statement.

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declarations
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)
Social Security Benefits	Use of HUD Enterprise Income Verification System (EIV) to obtain current benefit history and discrepancy reports.	The PHA mails or faxes a verification form directly to the local SSA office to obtain social security benefit information. (Not Available in some areas because SSA makes this data available through EIV. SSA encourages PHAs to use EIV.)	The PHA may call SSA, with the tenant on the line, to obtain current benefit amount. (Not Available in some areas because SSA makes this data available through EIV. SSA encourages PHAs to use EIV.)	The PHA may accept an original SSA Notice from the tenant. Note: The PHA must document in the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares monthly social security benefits. Note: The PHA must document in the tenant file, the reason third party verification was not available.

If the tenant disputes UIV SS/SSI benefit data, the PHA will request the tenant to provide a current original SSA notice or benefit letter within 10 business days of being notified of the dispute.

Welfare Benefits	Use of computer matching agreements with the local Social Services Agency to obtain current benefit amount electronically, by mail or fax or in person.	The PHA mails, faxes, or e-mails a verification form directly to the local Social Services Agency to obtain welfare benefit information.	The PHA may call the local Social Services Agency to <u>obtain</u> current benefit amount.	The PHA may review an original award notice or printout from the local Social Services Agency provided by the tenant. Note: The PHA must <u>document in</u> the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares monthly welfare benefits. Note: The PHA must <u>document in</u> the tenant file, the reason third party verification was not available.
Child Support	Use of agreement with the local Child Support Enforcement Agency to obtain current child support amount and payment status electronically, by mail or fax or in person.	The PHA mails, faxes, or e-mails a verification form directly to the local <u>Child Support Enforcement</u> Agency or child support payer to obtain <u>current child support amount and payment</u>	The PHA may call the local Child Support Enforcement Agency or child support payer to - <u>obtain</u> current child support amount and - <u>payment</u> status.	The PHA may review an original court order, notice or printout from the local Child Support Enforcement Agency provided by the tenant to verify current child support amount and payment status. Note: The PHA must - <u>document in</u> the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares <u>current</u> child support amount and <u>payment</u> status. Note: The PHA must - <u>document in</u> the tenant file, the reason third party verification was not available.

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declarations
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)

Unemployment Benefits	Use of computer matching agreements with a State Wage Information Collection Agency to obtain unemployment compensation electronically, by mail or fax or in person.  Use of HUD systems, when available	The PHA mails, faxes, or e-mails a verification form directly to the State Wage Information Collection Agency to obtain unemployment compensation information.	The PHA may call the State Wage Information Collection Agency to <u>obtain</u> current benefit amount.	The PHA may review an original benefit notice or unemployment check stub, or printout from the local State Wage Information Collection Agency provided by the tenant. Note: The PHA must <u>-document in</u> the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares unemployment benefits. Note: The PHA must <u>-document in</u> the tenant file, the reason third party verification was not available.
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Pensions	Use of computer matching agreements with a Federal, State, or Local Government Agency to obtain pension information electronically, by mail or fax or in person.	<u>The PHA mails, faxes, or e-mails a verification form directly to the pension provider to obtain pension information.</u>	The PHA may call the pension provider to <u>obtain</u> current benefit amount.	The PHA may review an original benefit notice from the pension provider provided by the tenant. Note: The PHA must <u>document in</u> the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares monthly pension amounts. Note: The PHA must <u>-document in</u> the tenant file, the reason third party verification was not available.
Assets	Use of cooperative agreements with sources to obtain asset and asset income information electronically, by mail or fax or in person.	The PHA mails, faxes, or emails a verification form directly to the source to obtain asset and asset income information.	The PHA may call the source to obtain asset and asset income information.	The PHA may review original documents provided by the tenant. Note: The PHA must document in the tenant file, the reason third party verification was not available.	The PHA may accept a notarized statement or affidavit from the tenant that declares assets and asset income. <b>Note: The PHA must document in the tenant file, the reason third party verification was</b>

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declarations
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)

<p><b>Comments</b></p>	<p>Whenever HUD makes available wage, unemployment, and SSA information, the PHA should use the information as part of the reexamination process. Failure to do so may result in disallowed costs during a RIM review.</p>	<p><b>Note: The independent source completes the form and returns the form directly to the PHA Agency. The tenant should not hand carry documents to or from the independent source.</b></p>	<p>The PHA should document in the tenant file, the date and time of the telephone call or in person visit, along with the name and title of the person that verified the current income amount.</p>	<p>The PHA should use this verification method as a last resort, when all other verification methods are not possible or have been unsuccessful. Notarized statement should include a perjury penalty statement.</p>
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**The PHA must not pass verification costs along to the participant.**

In cases where the PHA cannot reliably project annual income, the PHA may elect to complete regular interim reexaminations. When the PHA is unable to anticipate annual income using current information due to historical fluctuations in income, the PHA may average amounts received/earned to anticipate annual income.

3. Acceptable Methods of Verification in Addition to UIV include:

a. Employment Income

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

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income, IRS Form 8121. In cases where there are questions about the validity of information provided by the family, the PHA will require the most recent federal income tax statements. Confirmation may be made on a case-by-case basis.

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

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

c. Unemployment Compensation

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

d. Welfare Payments or General Assistance

- PHA verification form completed by payment provider.
- Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
- Computer-generated Notice of Action.
- Computer-generated list of recipients from Welfare Department.

e. Alimony or Child Support Payments

- Copy of a separation or settlement agreement or a divorce decree stating amounts and types of support and payment schedules.
- A notarized letter from the person paying the support.
- Copy of latest check and/or payment stubs from Court Trustee. The PHA must record the date, amount, and number of the check.
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If payments are irregular, the family must provide:

- A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.
- A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.
- A notarized affidavit from the family indicating the amount(s) received.
- A welfare notice of action showing amounts received by the welfare agency for child support.
- A written statement from an attorney certifying that a collection or enforcement action has been filed.

4. Acceptable Verification for the following:

a. Net Income from a Business

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

Acceptable methods of verification include:

- IRS Form 1040, including Schedule C (Small Business), Schedule E (Rental Property Income), Schedule F (Farm Income). Note: If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense computed using straight line depreciation rules.
- Audited or un-audited financial statement(s) of the business.
- Credit report or loan application.
- Documents such as manifests, appointment books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these

documents in the future if they are not available.

- Family's self-certification as to new income realized from the business during previous years.

b. Child Care Business

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

If the applicant/participant is operating a day care business which may or may not be licensed, the PHA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) which child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

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

The PHA may conduct interim reevaluations every 120 days and require the participant to provide a log with the information about customers and income.

If childcare services were terminated, a third-party verification will be sent to the parent whose child was cared for.

c. Recurring Gifts

The family must furnish a self-certification, which contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

d. Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, FIP, SSI, etc. are not being received by the household. The PHA will request information from the Iowa Department of Revenue. Families claiming to have no income will have to certify to this status at least quarterly when notified by the Housing Authority.

e. Full-time Student Status

Only the first \$480 of the earned income of full time students, other than head, co-head, or spouse, will be included towards family income. Financial aid, scholarships and grants received by full time students are not family income.

Verification of full time student status includes:

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

f. Income from Assets

- Savings Account Interest Income & Dividends
  - Use savings account current balance as its cash value and a checking account average balance for the last six months as its cash value.
  - Account statements, passbooks, certificates of deposit, or the PHA verification forms completed by the financial institution.

- Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification

- IRS Form 1099 from the financial institution provided that the PHA must adjust the information to project earnings expected for the next 12 months.

- Interest Income from Mortgages or Similar Arrangements

- A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer

to the family is not sufficient unless a breakdown of interest and principal is shown.)

- Amortization schedule showing interest for the 12 months following the effective date of the certification or re-certification.

- Net Rental Income from Property Owned by Family

- IRS Form 1040 with Schedule E (Rental Income).

- Copies of latest rent receipts, leases, or other documentation of rent amounts.

- Documentation of allowable operating expenses of the property; tax statements, insurance invoices, and bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

- Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

- Cash value is determined by subtracting any unpaid loans secured against the property from the market value to determine the owner's equity. Subtract any reasonable costs that would be incurred in selling the property to determine the cash value.

g. Disposed Assets

- Families need to sign a declaration when they are admitted to the public housing program and at each annual reexamination thereafter. This declaration will enable the families either to provide the information required to value any assets that they had disposed of for less than fair market value within the last two years or to certify that they had not disposed of any assets for less than fair market value during that period.

5. Verification of Allowable Deductions from Income

a. Child Care Expenses

Written verification from the person who received the payments is required. If the childcare provider is an individual, he/she must provide a statement of the amount they charge and receive from the family for their services. Verifications must specify the child care provider's name, address, telephone number, Social Security Number, the names of the Children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Child care expenses are deducted only to the extent that they are not reimbursed and reflect a reasonable charge; and are paid for the care of children under the age of 13.

b. Medical Expenses

Families who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. One or more of the methods listed below will verify all expense claims:

- Written verification by a doctor, hospital or clinic personnel, dentist, Pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
- Written confirmation by the insurance company or employer of health insurance premiums to be by the family.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

- For attendant care:  
The PHA will require certification from a qualified professional having knowledge of the person's need for an attendant and who can verify the attendant is necessary as a medical expense.

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

- Receipts, canceled check, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
- Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
- Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. The PHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.
- In addition to anticipated expenses, past one-time nonrecurring medical expenses that have been paid in full may be included in the calculation of the medical expense deduction. If the tenant is under a payment plan, the expense would be counted as anticipated. One-time medical expenses will be addressed as follows: (1) added at the time the expense occurs, through an interim re-certification and balance pro-rated at annual re-certification, or (2) total past one-time nonrecurring added at the upcoming annual re-certification.

- The PHA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

c. Assistance to Persons with Disabilities

- In All Cases:

- Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

- Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

- Attendant Care:

- Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.

- Certification of family and attendant and/or copies of canceled checks family used to make payments.

- Auxiliary Apparatus:

- Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

- In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

- If a disability assistance expense enables more than one person to be employed, the incomes of all the persons must be combined to determine the ceiling on allowable expenses. The deduction may not exceed the combined incomes of those people who are able to be employed.

d. Families that qualify for both medical and disability assistance expenses:

- If an elderly or disabled family has both medical expenses and disability assistance expenses, the PHA will use a special calculation to ensure that the family's 3% threshold is applied only one time.

- Since the deduction for disability assistance expenses is limited by the amount earned by the adult family member who is enabled to work, the disability assistance expenses deduction must

be calculated before the medical expense deduction.

6. The PHA shall require the applicant to:

- Sign all forms necessary to determine eligibility and suitability;

- Provide verification of income, assets, exclusions and deductions from income;

- Provide verification of family size, age and relationship;
- Disclose the Social Security Numbers of all family members six (6) years of age and older;
- Provide citizenship/eligible immigrant status information;
- Provide verification of "preference" status, as applicable;
- Provide marital status verification when needed for head or spouse definition;
- Provide the names and addresses of the applicant's current and at least one prior landlord, if applicable (residential history for the past five years is required);
- Provide the most recent six (6) month rent receipts where appropriate.
- Provide any other information the PHA determines is necessary to determine eligibility for housing at the PHA.

7. All verifications and documentation received by the PHA for use in the determination of eligibility for housing at the PHA will be analyzed by staff and a determination made with respect to:

- Eligibility of the applicant family based on the requirements outlined in Section II of this Policy
- Unit size requirements.
- Qualification of the applicant family with respect to the Tenant Selection Criteria outlined in Section V.

8. Applicants determined to be ineligible for housing at the PHA will be promptly notified and will receive a Notice of Ineligibility from the Housing Authority stating the basis for this determination. (24 CFR 960.207) The PHA will provide such applicants with the opportunity for informal review of the decision in accordance with the HUD regulations and the procedure for informal hearing contained in Appendix B of this Policy.

9. Applicants determined to be qualified for housing at the PHA will be notified by the Housing Authority of the approximate date of occupancy insofar as that date can be reasonably determined. Every effort will be made by the PHA to make as accurate an estimate as possible; however, this does not mean that the applicant should be expected to be housed by that date as the availability of a suitable unit is contingent on factors not controlled by the PHA.

10. Disabled applicants who have been determined to be eligible but who fail the Tenant Selection

Criteria will have their cases examined by the PHA to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the selection criteria outlined herein.

11. Changes in Unit Size Determination. If, during the final eligibility determination, or at any other time prior to placement, it is determined that the family composition has changed making the family eligible for a different size unit, the family's application shall be placed on the waiting list for the new unit size based on the original date of the family's pre-application.

## V. **SELECTION FROM THE WAITING LIST/ TENANT SELECTION & ASSIGNMENT PLAN**

### A. Tenant Selection Criteria (24 CFR 960.205)

1. The applicant household must meet the Tenant Selection Criteria established by the PHA to protect the rights and needs of the public housing community for a decent, safe and livable environment. Tenants shall be selected from among eligible applicant families whose family composition is appropriate to available dwelling units and who do not have a criminal record or history of criminal activity. The PHA will take into consideration the needs of individual families for low rent housing and the statutory purpose in developing and operating a socially and financially sound low-income housing project which fosters economic and social diversity in the tenant body as a whole. Solvency shall be our first consideration in application of the tenant selection and assignment plan. The Housing Authority shall select tenants in such a manner based on our local housing needs and priorities as:

a. For every fiscal year, the PHA shall support and strive to follow the statutory requirement to meet the goal of admitting at least forty percent of its new admissions for families whose annual income does not exceed thirty percent of the area median income. If no eligible families are available at the targeted income due to local economic conditions, we will admit others on the waiting list at or below eighty percent of the area median to fill vacant units. In reaching the new admissions goals, the PHA will avoid concentrations of the most economically and socially deprived families in any one or all of the PHA's public housing projects.

b. The Sioux Center Housing Authority is not subject to the deconcentration requirements according to 24 CFR 903. Nevertheless, the Sioux Center Housing Authority will affirmatively market its housing to all eligible income groups in as non-discriminating manner as possible.

2. When an accessible unit becomes available, it shall first be offered to families needing it who reside on the site that has the vacancy, then to other public housing residents needing the special accessibility features, and finally to appropriate people on the waiting list. See Section VII-G.

3. Applicants will be given local preference status who are otherwise eligible for assistance and who, at the time they are seeking housing assistance, are involuntarily displaced, living in substandard housing, paying more than 50 percent of family income for rent, have residency in the Sioux Center municipality, or have status as a victim of domestic violence. Tenants will be selected from among applicants eligible for dwelling of given size and within such ranges of rent as may be established from time to time to ensure the financial solvency and stability of the program.

4. All otherwise eligible applicants with the same priority for admission will be assigned to the waiting list according to date and time of application, type and size of unit required, and local preference status determined as follows:

B. Local Preferences

1. In the case of a federally declared disaster, the Sioux Center Low Rent Housing Agency reserves the right for its Executive Director to suspend its preference system for whatever

duration the Executive Director feels is appropriate and to admit victims of the disaster to the program instead of those who

would be normally admitted. Natural disasters include homes made unlivable by tornadoes, hurricanes, earth quakes, mud slides, floods, wind, and fire. Families displaced by government action deeming their unit unlivable will be given a preference on the waiting list. Any other provisions of this policy can also be suspended during the emergency at the discretion of the Executive Director so long as the provision suspended does not violate a law.

If regulatory waivers are necessary, they shall be promptly requested of the HUD Assistant Secretary for Public and Indian Housing. (See 2(a)(2) below for definition of natural disasters).

2. A local preference will be granted to applicants who have met the eligibility requirements outlined in previous sections of this Policy and who, at the time of application for housing, certify that they meet the guidelines of the local preferences and qualify for one of the following:

a. Involuntarily Displaced

1. An applicant household qualifies as involuntarily displaced if:

- The applicant has been involuntarily displaced and is not yet living in standard replacement housing. Housing is not standard replacement housing if it is overcrowded or the family is not occupying pursuant to a lease or occupancy agreement; or
- The applicant will be involuntarily displaced within six months from the date of preference status certification or verification.

2. Involuntary displacement includes:

- Displacement because of fires, disasters and government actions; Natural disasters include homes made unlivable by tornadoes, hurricanes, earthquakes, mud slides, floods, and wind.
- Action by a private owner that the tenant could not control or prevent (does not include a rent increase);
- Victims of actual or threatened domestic physical violence (applicant need not have moved out to qualify). The actual or threatened physical violence must have occurred recently or be of a continuous nature, and the family must certify that the person who engaged in violence will not reside in applicant household. Violation of this is grounds for eviction;
- Displacement to avoid reprisals when an applicant family has provided information on criminal activities to the police. The Authority may only grant this if a law enforcement agency carried out a threat assessment and recommends rehousing the family.
- Displacement due to hate crimes when applicants have been victims of a hate crime. Hate crimes are defined as actual or threatened physical violence that is based on a victim's race, color, religion, sex, national origin, handicap or familial status. The Authority must determine that this occurred recently or is of a recurring nature.

-Displacement by inaccessibility of unit which occurs when a member of the applicant family has an impairment which makes the person unable to use critical elements of the unit and the owner of the unit is not obligated to make the unit accessible.

-Displacement due to HUD disposition of a multifamily project.

3. Involuntary displacement does not include for-cause evictions or moving as the result of divorce or separation.

4. Verification Procedures for Involuntary Displacement

Involuntarily Displaced requires certification from a local government agency or the landlord that the family was displaced.

-For domestic violence, certification from the police, social service agency, court, clergy, physician or shelter may be used.

-Applicants who receive this preference due to actual or threatened domestic physical violence are required to sign a statement certifying that the applicant agrees that the person who engaged in violence will not be allowed to reside in the household.

-Displacement to avoid reprisals or because of a hate crime may be verified by a law enforcement agency.

-To verify the inaccessibility of a unit, certification from a health care professional that a family member has a mobility or other impairment that makes critical elements of the current unit inaccessible may be required as well as a statement from the owner that he/she is not able or willing to make the unit accessible.

5. If a family was involuntarily displaced at the time it applied but has found standard replacement housing in the meantime, the family no longer qualifies for the preference. If a family that was involuntarily displaced has temporarily moved in with others in an overcrowded unit, the family is still considered to be displaced.

b. Substandard Housing

1. A housing unit is substandard for this purpose if it:

- Is dilapidated;

- Does not have operable indoor plumbing;

- Does not have a useable flush toilet, bathtub or shower inside the unit for the exclusive use of the family. The lack of any one of these qualifies the unit as substandard. However, substandard housing does not include boarding houses, SROs, or group homes (for example) intentionally designed with shared facilities;

- Does not have electricity, or has inadequate or unsafe electrical service;

- Does not have a safe or adequate source of heat;

- Should, but does not, have a kitchen; or

- Has been declared unfit for habitation by an agency of the government.

(NOTE: This definition of substandard housing does not include overcrowding.)

2. A housing unit is dilapidated if it:

- Does not provide safe and adequate shelter, and endangers the health, safety, or well-being of a family, or
- Has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. (The defects may involve original construction, or they may result from continued neglect or lack of repair or from serious damage to the structure.)

3. A homeless family is considered to be living in substandard housing. A homeless family is one that lacks a fixed, regular and adequate nighttime residence, and has a primary nighttime residence that is:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations and includes welfare hotels, congregate shelters and transitional housing;
- An institution that provides a temporary residence for individuals intended to be de-institutionalized; or
- A public or private place not designed for, or ordinarily used for sleeping.

(NOTE: A homeless family does not include an individual imprisoned or otherwise detained by law.)

4. Verification Procedures for Substandard Housing

Substandard Housing may be verified with a certification from an agency of the local government or the applicant's landlord that the unit has one or more of the deficiencies listed. For the homeless, certification may be obtained from a public or private agency that provides shelter for homeless individuals or from the local police department.

c. Rent Burden (Paying in excess of 50 percent of their monthly income for rent for at least 90 days)

1. Paying More than 50% of Income for Rent and Utilities

- Applicants qualify for this preference if they are paying more than 50 percent of gross monthly income for rent and utilities and this situation has existed for at least 90 days. The definition of income is the one used to compute Total Tenant Payment (TTP). Rent is the amount due on a monthly basis to the family's current landlord under a lease or rental agreement. Payments made to the family from an energy assistance program must be subtracted from rent if this amount is excluded from income.

- For applicants who own a manufactured home, but rent the space for the home, rent includes rent for the space and debt service for the unit. For members of a cooperative it is the amount agreed upon between the members and the cooperative.
- A family does not qualify for this preference if the reason it is paying more than 50% of its income for housing is because HUD assistance was terminated for failure to comply with program requirements.

2. Procedures for Verification of Applicant's Income, Rent and Utilities Payments

- Third party verification for income must be obtained using the same rules used to determine eligibility.
- The amount being paid for rent may be verified from copies of the family's most recent rental receipts, cancelled checks, a copy of the family's current lease agreement, or by verification directly from the landlord.
- To verify utilities, the Authority may require the family to provide copies of appropriate bills or receipts, or use the Section 8 Existing Housing Utility Allowance Schedule, whichever method the family chooses.

d. Resident of Sioux Center Municipality

1. Applicants qualify for the residency preference if an adult family member is currently a resident of the Sioux Center municipality or needs to be for local job requirements. A resident is one who lives, works, or has been hired to work in the Sioux Center Housing Authority jurisdiction.

2. Verification Procedures for Residency Preference

Residency preference may be verified with a certification from the post office, school system, or local employer.

e. Victim of Domestic Violence

1. Applicants qualify for this preference if they have been a victim of domestic violence; not applicable to victims of dating violence, or stalking.
2. Applicants referred by the Department of Human Services or Family Crisis Center due to VAWA will be given special exception.

2. Verification Procedures for Domestic Violence Preference.

Domestic violence preference may be verified by the required certification from the PHA. The three ways to certify are: 1) a HUD-50066 approved form supplied by the PHA; or 2) documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking or the effects of the abuse. (This certification must be sworn under penalty of perjury.); or 3) producing a Federal, State, tribal, territorial, or local police or court record.

C. Other Criteria for Waiting List Selection

1. Consideration will be given according to the rent paying ability of the applicant as it relates to the solvency of the authority.

2. The applicant's age or disability are considered. The 56 elderly units have been approved by HUD

as being designated for elderly or persons with disabilities only. In filling vacancies in this development, first priority will be given to elderly or persons with disabilities in projects specifically built for Elderly/disabled families. If there are no eligible elderly or disabled families on the waiting list, next priority will be given to the near-elderly. If there are no near-elderly, units will be offered to families who qualify for the appropriate bedroom size. In the converted two-bedroom units, priority will be given to two persons who qualify as a family (See Sec.II-A-1a). Using these priorities, all such families will be selected from the waiting list using the preferences as outlined above.

3. Accessible units: See Section VII-G-(1,2,&3)

4. The family size of the applicant is considered, as it relates to the units available (does not exceed occupancy standards), or they are presently residing in substandard housing.

5. Preclude admission to public housing to those applicants whose habits and practices may be expected to have a detrimental effect on the tenants, the physical environment of the development, or the financial stability of the projects.

D. Certification and Verification of Preference Qualification

1. At the time of application, information about the preference categories and a certification form will be made available to each applicant. Each applicant will be asked to sign the certification form attesting to the preference categories for which the applicant believes the household to be eligible. The application will be placed on the waiting list based on the preferences claimed in the applicant's preference certification.

2. When the applicant is called in for eligibility determination (see Section IV,H, Eligibility Determinations) the applicant's preference qualifications will be verified. If qualification for preference cannot be verified, the application will be returned to the waiting list according to the original date and time of the application but without preference status.

3. If it is determined that an applicant does not meet the criteria to qualify for preference status, the PHA shall provide written notice of that determination stating the reason of the determination and informing the applicant of his/her right to request a meeting to review the determination with a representative of the PHA. Requests to review a denial of preference status must be made within 30 calendar days of the date the written notice informing the applicant of the denial was mailed.

E. Offer of a Unit

When the Housing Authority discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit or development and whose income category would help to meet the deconcentration goal and/or the income

targeting goal. The verified  
accordance with the following plan:

eligible applicant shall be offered a dwelling unit in

1. If at the time the eligible applicant comes to the top of the waiting list, the PHA will offer the first suitable vacant unit available for occupancy either orally or by telephone and give the applicant an opportunity to view the unit. If the offer is rejected, the applicant's name goes to the last place on the eligible applicant waiting list. An applicant must respond to, and accept or reject the offer within five (5) business days from the date the offer is made. If an applicant does not respond within five (5) business days, the application shall be deemed withdrawn and the applicant shall be required to reapply.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the Sioux Center Low Rent Housing agency will send the family a letter documenting the offer and the rejection.

2. If in making the offer to the family the Housing Authority skipped over other families on the waiting list in order to meet their deconcentration goal or offered the family any other deconcentration incentive and the family rejects the unit, the family will not lose their place on the waiting list and will not otherwise be penalized.
3. For purposes of this policy, the applicant will not be considered to have been offered a unit if he/she provides clear evidence to the satisfaction of the PHA that one of the following circumstances apply:
  - a. The unit is not of the proper size and type, and the applicant would be able to reside there only temporarily.
  - b. The unit contains lead-based paint, and accepting the offer could result in subjecting the applicant's child(ren) under seven years of age to lead-based paint poisoning.
  - c. The applicant is unable to move at the time of the offer because of serious and unusual circumstances which are beyond the applicant's control, and the applicant presents clear evidence which substantiates this to the PHA's satisfaction. Examples:
    - A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;
    - A court verifies that the applicant is serving on a jury which has been sequestered.
  - d. Accepting the offer would result in undue hardship to the applicant not related to consideration of race, creed, color, national origin or language, such as making employment, school, or day care facilities inaccessible, and the applicant presents clear evidence which substantiates this undue hardship to the PHA's satisfaction.
4. If an applicant fails to keep a scheduled appointment to view a unit offered for occupancy or fails to respond to written correspondence from the Housing Authority, for other than a justifiable reason, such failure shall result in removal from the waiting list. The person may reapply at a time that applications are being accepted.
5. An applicant pending a fraud investigation by any government agency will be by-passed on the waiting list until the applicant is either convicted or acquitted of fraud.

6. If an applicant has come to the top of the waiting list and rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their preferences, but the date and time of application will be changed to the date and time the unit was rejected. If the applicant has come to the top of the waiting list three times and refused the unit offered each time, that person's name shall be removed from the waiting list. The applicant shall be notified in writing of this action. This policy may be waived if at least two of the refusals have been "allowable refusals". (See Section V, E (3), Offer of a Unit).

## VI. MISREPRESENTATION BY THE APPLICANT OR TENANT

If an applicant or tenant is found to have made willful misrepresentations at any time which resulted in the applicant or tenant being classified as eligible, when, in fact, they were ineligible, applicant will be declared ineligible and the lease and/or application will be terminated because of the misrepresentation by the applicant/tenant. If such misrepresentation resulted in tenant paying a lower rent than was appropriate, tenant shall be required to pay the difference between the actual payments and the amount which should have been paid. In justifiable instances, the PHA may take such other actions as it deems appropriate, including referring the tenant to the proper authorities for possible criminal prosecution.

## VII. UNIT SIZE AND OCCUPANCY STANDARDS

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

<u>No. of Bedrooms</u>	<u>No. of Persons</u>	
	<u>Min.</u>	<u>Max.</u>
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	8	10

- B. Dwelling units will be assigned so that it will not be necessary for persons of different generations or opposite sex (other than married husband and wife) to share a bedroom. Two children of the same sex may be required to share a bedroom regardless of age and children of the opposite sex may be required to share a bedroom if both are of very young age (under 5 years of age). Children shall generally not be required to share a bedroom with a parent; however, one very young child may share a bedroom with one parent if there are no larger units available for the family. Assignment will take into consideration households who share joint custody of any individual under the age of 18 at least 50% of the time. Foster children, children who are in the process of being adopted, children whose custody is being obtained, or children who are temporarily away at school, or children who are temporarily (less than 1 year) in foster care shall be considered in determining dwelling unit size. Other pending custody issues will be evaluated on a case by case basis, taking into account the reasonable likelihood of success. Documentation of guardianship will be required. Live-in-aides will get a separate bedroom. Foster adults and/or foster children will not be required to share a bedroom with family members. No unit assignments will be made which require use of the living room for sleeping.

- C. When making bedroom size determinations, a single individual with no other children who is pregnant at the time of application (proof may be required by a licensed physician) or who is in the process of securing legal custody of any individual under the age of 18, will be housed in a two bedroom unit. If the pregnancy is terminated or legal custody not granted, the applicant would no longer qualify for a two bedroom unit but would be considered for a one bedroom unit.
- D. 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 Sioux Center 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 for three (3) years or until the family size changes, whichever may occur first. The PHA is under no obligation to allow a larger size unit and any move allowed will be at the family's own expense.
  2. Units larger than assigned through the above guidelines. A family may request a larger unit size than the guidelines allow. The Sioux Center Housing Authority will allow the larger size unit if the family provides a verified medical or disability related need that the family be housed in a larger unit.
  3. If 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 calendar day notice before being required to move.
  4. In no event will a single elderly/disabled person be provided with a unit that is larger than one-bedroom without board approval.
  5. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.
- E. The criteria and standards prescribed above apply to all families applying for housing at the PHA; however, reasonable exceptions to the standards listed above may be made in emergency situations, and in some cases, relationship, age, gender, health, or disability of family members may warrant assignment of a larger or smaller unit by the PHA staff or at the request of the applicant family. Written approval of such cases will be made by the Executive Director.
- F. Any applicant or tenant who requires a live-in aide (24 CFR 5.403(b)), who will be responsible for the essential care and well-being of a family member (who is disabled or is at least 50 years of age) on a daily basis will be assigned a bedroom to accommodate this aide, provided that the applicant or tenant can show documentation to support the fact that the live-in aide would not be living in the unit except to provide necessary supportive services. A live-in aide will not be listed on the lease and does not have rights to the unit for continued occupancy as a remaining family member.
- G. Handicap Accessible Units

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

1. To current PHA tenants who have a disability or handicap who would benefit from the unit's accessible feature(s), but whose current unit does not have such features. If there is more than one current tenant requiring the accessibility features of the available unit, the family with the earliest written request for a transfer shall be selected for the unit.
2. To eligible and qualified households on the waiting list who have a disability or handicap who would benefit from the unit's accessibility features: (a) An accessible unit shall be offered first to households who qualify for a preference and who need the specific features of the available unit. (b) Thereafter, an accessible unit shall be offered to households on the waiting list who need the specific accessibility features, in order of application date, but who do not have a preference despite the presence on the waiting list of households with preferences and/or earlier application dates who do not require the specific accessibility features of the available unit.
3. To other eligible and qualified households on the waiting list without disabilities, in the order that their names come to the top of the waiting list. In this case, the applicant household must agree to sign a release form (lease rider) stating they will accept a transfer (at their own expense) to a non-accessible unit at the request of the Housing Authority if a family requiring an accessible feature applies at a future time. Any family required to transfer will be given a 30 calendar day notice.

## **VIII. LEASE**

### **A. Lease Execution**

At admission, a lease, Addendum for Drug Free Housing, and Pet Agreement, if applicable, is to be entered into between the Housing Authority and each tenant family. The dwelling lease is to be kept current at all times and is to reflect rent being charged, and the conditions governing occupancy.

Prior to signing the lease, all families (head of household) and other adult family members will be required to attend the Lease and Occupancy Orientation when they are initially accepted for occupancy. The family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation, without good cause, may result in the cancellation of the occupancy process. The orientation shall include the resident's rights and responsibilities under the Violence Against Women Act.

The applicant will be provided a copy of the lease, Addendum for Drug Free Housing, the Grievance Procedure, Pet Agreement (if applicable), Unit Inspection Report, utility charges, and the current schedule of routine maintenance charges. These documents will be explained in detail. The signing of the lease and the review of financial information are to be privately handled. One executed copy of the lease will be furnished to the head of household and the PHA will retain the original executed lease in the tenant's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.

1. If, for any reason, any signer of the lease ceases to be a member of the tenant family, the lease will be cancelled, and a new lease and Addendum for Drug-Free Housing and Pet Agreement, if applicable, executed and signed by a remaining member of the family who qualifies and is determined to be eligible for continued occupancy by the PHA.

2. If a tenant family transfers to a different unit operated by the Housing Authority, the existing lease is to be cancelled and a new lease and Addendum for Drug Free Housing and Pet Agreement, if applicable, executed by the head of household and co-head, if one, for the dwelling unit into which the family is to move.
3. If at any time during the life of the lease, a change in the tenant's status results in the need for changing or amending any provision of the lease, or if the Housing Authority desires to waive any provisions with respect to the tenant, either:
  - The existing lease is to be cancelled and a new lease agreement executed; or
  - An appropriate amendment is to be prepared and made a part of the existing lease. The new lease amendment is to be made a part of the permanent tenant file. A lease amendment is to be attached to the existing lease, and must be signed by both the tenant and a Housing Authority representative.
4. Notices of Rent Adjustments which are issued to amend the dwelling lease rental amount are to be made a part of the existing lease, a part of the permanent tenant file, and must be signed only by the Housing Authority.

**B. Security Deposits**

1. A security deposit will be required for all tenants. The Board of Commissioners has set the security deposit at \$150 for the elderly/disabled development and \$350 for the family developments.
2. The security deposit is to be paid in full immediately upon execution of the lease. In exceptional situations, the Sioux Center Housing Authority reserves the right to allow a new resident to pay their security deposit in up to three (3) payments. One third shall be paid in advance, one third with their second rent payment, and one third with their third rent payment. This shall be at the sole discretion of the PHA. Security deposits will be held on account by the Housing Authority, and will be returned to the tenant after move-out if the following conditions are met:
  - The tenant gave notice of intent to vacate as required by the lease;
  - There is no unpaid rent or other charges for which the tenant is liable under the lease;
  - The apartment and all equipment are left clean, and all trash and debris have been removed by the family;
  - There is no breakage or damage beyond that expected from normal wear and tear;
  - There was proper notice given under the lease and all keys issued have been returned to the Housing Authority when the family vacates the unit; and
  - The vacating tenant provides a forwarding address or delivery instructions upon move-out.
3. In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. If the security deposit is

less, no action will be taken until final move-out from the Housing Authority at which time the security deposit and outstanding charges will be analyzed.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges upon transfer.

4. If tenant charges are assessed, they will be deducted from the security deposit and the balance, if any, shall be returned to the tenant. The family will receive a written statement of why all or part of the security deposit is being kept. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

The Sioux Center Housing Authority will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 60 calendar days.

5. The security deposit may not be used to pay charges during occupancy.
6. Pet security deposits shall be paid in accordance with the Housing Authority's Pet Policy.

C. Tenant Orientation

Eligible applicants selected for admission will be required to participate in an orientation program conducted by the PHA to acquaint new tenant families with the following policies and procedures: the Dwelling Lease, Drug-Free Housing Addendum; maintenance procedures; services provided by the PHA; resident initiative activities; grievance procedures; tenant rights, responsibilities and obligations, rent collection policy, and the operation of heating, cooling, and plumbing equipment in the units.

D. Dwelling Unit Inspection Policy

1. Preoccupancy or Move-In. Prior to occupancy, a PHA representative and an adult member of the tenant family will inspect the premises. Both parties will sign a written statement of the condition of the unit. The PHA will furnish the tenant a written statement of the condition of the premises and the appliances provided in the dwelling unit. The original will be kept in the tenant's file and a copy given to the tenant family.
2. Annual. An inspection of each dwelling unit will be conducted on an annual basis to ensure that each unit meets or exceeds the Housing Quality Standards (HQS) or PHA's housing standards. A written statement of the verified conditions is mailed by letter to the tenant. Work orders will be submitted and completed to correct any deficiencies.
3. Preventative Maintenance Inspections. This is generally conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment.
4. Special Inspections. Representative from the U.S. Department of Housing & Urban Development and/or other Government Officials visit the PHA to monitor operations and as part of the monitoring they will inspect a sampling of the public housing inventory.

5. Emergency Inspections. If any employee and/or agent of the PHA has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.
6. Move-Out. Immediately after a tenant moves out, a PHA representative will inspect the dwelling unit. The tenant is encouraged to participate in the move-out inspection, but must contact the management office prior to move-out to schedule a joint inspection. A written statement of the unit condition, and the provided appliances will be signed.
  - A statement of repair/replacement charges for tenant caused damages and charges for cleaning of the unit and appliances, if necessary, will be furnished to the tenant and deducted from his/her security deposit if remittance is not made to the PHA.
7. The PHA, in its sole discretion, may randomly and periodically inspect units when it believes there are reasonable grounds for an inspection or to conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.
8. A copy of the move-in and/or move-out and housekeeping inspection reports will be kept in the tenant files.
  9. System and annual unit inspections using Uniform Physical Conditions Standards (UPCS), Public Housing Assessment System (PHAS), and Preventive Maintenance (PM) work order forms will be kept in the unit maintenance file.
  10. For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections the PHA will give the tenant at least two (2) calendar days notice.

E. Pet Policy

The following rules are established to govern the keeping of pets in and on properties owned and operated by the Sioux Center Low Rent Housing Agency.

1. Exclusions. This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals, that have current rabies and distemper inoculation, are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.
2. Pets in Public Housing. The Sioux Center Low Rent Housing Agency allows for pet ownership in its developments only with prior written approval of the Housing Authority by fully completing the Authorization for Pet Ownership Form before moving a pet into their unit. Residents must give the Housing Authority a picture of the pet so it can be identified if it is running loose. All pets must be registered with the Housing Authority. Residents must receive a written permit to keep any animal on or about the premises. This privilege may be revoked at any time subject to the Housing Authority grievance procedures which shall be applicable to all individual grievances or disputes arising out of violations or alleged violations of this policy. These violations include if the animal becomes destructive or a nuisance to others, represents a threat to the safety and security or other residents, creates a problem in the area of cleanliness and sanitation, or if the resident/owner fails to comply with the following:

Residents are responsible for any damage caused by their pets, including the cost of fumigating or cleaning their units. In exchange for this right, the resident assumes full responsibility and liability for the pet and agrees to hold the Sioux Center Low Rent Housing Agency harmless from any claims caused by an action or inaction of the pet.

3. Types and Number of Pets. Permitted pets are only common household pets. This means only domesticated animals such as a dog, cat, birds confined to a cage, rodent (including a rabbit), and fish in an aquarium (maximum size is 50 gallons). Common household pets do not include reptiles (except turtles). Permitted pets allowed outside of a dwelling unit will be a pet rabbit confined to a cage. If this definition conflicts with a state or local law or regulation, the state or local law or regulation shall govern.

Evidence must show that all cats have been declawed. All cats and dogs must be spayed or neutered before they become six months old. A licensed veterinarian must verify this fact. If animals are not spayed and have offspring, the resident is in violation of this rule.

Only one (1) pet per unit will be allowed.

No vicious or intimidating pets are to be kept. Dangerous or venomous pets of any kind will not be allowed in or outside of units. Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs, will not be allowed.

No animal may exceed fifteen (15) pounds in weight projected to full adult size. No animal may exceed 30" (adult size) in height (measured from paw to top of head).

4. Inoculations. In order to be registered, pets must be appropriately inoculated against rabies, distemper and other conditions prescribed by state and/or local ordinances. They must comply with all other state and local public health, animal control, and anti-cruelty laws including any licensing requirements. A certification signed by a licensed veterinarian or state or local official shall be annually filed with the Sioux Center Low Rent Housing Agency to attest to the inoculations of distemper and rabies boosters. Dogs are to be licensed yearly with the proper authorities. Cats are to be vaccinated yearly for distemper also.
5. Pet Deposits. Residents shall pay a non-refundable nominal fee of \$25 to cover the operating costs to the development related to the presence of pets.

Family residents shall pay a pet damage deposit of \$350 and elderly residents are required to pay a pet damage deposit of \$175 at the time of registering a pet. These damage deposits are in addition to the above stated non-refundable nominal fee. Fish, small birds, gerbils, and turtles are exempt from a deposit. The deposit is refundable after the family vacates the unit (even if the pet is removed earlier), less any amounts owed due to damage beyond normal wear and tear, as verified by the Housing Authority.

This provision shall not apply for tenants with service or companion animals necessary as a reasonable accommodation with accordance with Section 7 of the dwelling lease.

6. Resident Financial Obligation. Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any and all damages caused by the pet. Residents must take appropriate actions to protect their pets from fleas and ticks. Any pet-related insect infestation in the pet owner's unit will be

the financial responsibility of the pet owner and the Sioux Center Low Rent Housing Agency reserves the right to exterminate and charge the resident.

7. *Designation of Pet Areas.* Pets must be kept inside a resident's unit or on a leash and controlled by an adult at all times when outside the unit. Pet owners must clean up after their pets and are responsible for disposing of pet waste. A maintenance charge will be imposed for disposal of waste by Sioux Center Low Rent Housing personnel.

With the exception of assistive animals, no pets shall be allowed in the community room, community room kitchen, laundry room, public bathrooms, lobby, hallways, or office of the Sioux Center Low Rent Housing Agency building.

To accommodate residents who have medically certified allergic or phobic reactions to dogs, cats, or other pets, those pets may be barred from certain areas of the elderly developments. This shall be implemented based on a per needed basis.

8. *Miscellaneous Rules.*

- a. No pet may be kept in violation of humane or health laws.
- b. Residents are solely responsible for promptly cleaning up pet droppings, if any, inside and outside the unit and on property grounds. Droppings must be disposed of by being placed in a sack and then placed in an acceptable refuse container outside the building.
- c. Resident shall take adequate precautions and measures necessary to eliminate and prevent any pet odors within or around the owner's unit and surrounding areas. Resident must maintain the pet and its living quarters in a sanitary condition at all times. Tenants must provide litter boxes for cat waste, which must be kept in the dwelling unit.
- d. Resident shall not permit any disturbance by their pet which would interfere with the quiet enjoyment of other residents; whether by loud barking, howling, biting, scratching, chirping, or other such activities. Pets who make noise continuously and/or incessantly for a period of 10 minutes or intermittently for one half hour or more to the disturbance of any person at any time of day or night shall be considered a nuisance.
- e. If pets are left unattended for over twelve (12) hours or more and no arrangements have been made for its care, the Housing Authority will have the right to enter the premises and remove the uncared for pet and transfer it to the proper authorities at the total expense of the resident. The Housing Authority accepts no responsibility for the pet under such circumstances.
- f. Residents shall not alter their unit, patio or unit area to create an enclosure for an animal. No outdoor cages may be constructed except for a family rabbit.
- g. Residents are prohibited from feeding stray animals or having visiting pets. The feeding of stray animals shall constitute having a pet without permission of the Housing Authority and is a violation of the Dwelling Lease..
- h. All dogs must wear a tag bearing the resident's name and phone number and the date of the latest rabies inoculation.

- i. Pets cannot be kept, bred or used for any commercial purpose.
  - j. Residents owning cats shall maintain waterproof litter boxes for cat waste kept in resident's premises. Refuse and cat waste from litter boxes shall not accumulate or become unsightly or unsanitary. Litter shall be disposed of in an appropriate manner.
  - k. Pet bedding shall not be washed in any common laundry facilities in the elderly developments.
  - l. A pet owner shall physically control or confine his/her pet during the times when Housing Authority employees, agents of the Housing Authority, or others must enter the pet owner's apartment to conduct business, provide services, enforce lease terms, etc.
  - m. If a pet causes harm to any person, the pet's owner shall be required to permanently remove the pet from the Housing Authority's property within 24 hours of written notice from the Housing Authority. The pet owner may also be subject to termination of his/her dwelling lease.
  - n. Residents who violate these rules and cause repeated substantiated complaints by neighbors or the Housing Authority personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance are subject to: (a) being required to remove his/her pet from the premises within 10 days of written notice from the Housing Authority; and/or (b) termination of his/her dwelling lease agreement by eviction, or both.
9. **Removal of Pets.** The Sioux Center Low Rent Housing shall require the removal of any pet from a project if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the project or of other persons in the community where the project is located.
- In the event of illness or death of pet owner, or in the case of an emergency which should prevent the pet owner from properly caring for the pet, the Sioux Center Low Rent Housing Agency has permission to call the emergency care giver designated by the resident or the local authority to take the pet and care for it until family or friends would claim the pet and assume responsibility for it. Any expenses incurred will be the responsibility of the pet owner.

**F. Rent, Other Charges, and Rent Adjustments**

1. **Rent.** Rent will be calculated using the method and income as determined by HUD regulations. At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the income method or having their rent set at the flat rent amount. To determine annual income, the Sioux Center Low Rent Housing Agency adds the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the PHA subtracts all allowable deductions (allowances) to determine the Total Tenant Payment
- a. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo. Their family composition must still be reviewed annually.
  - b. Families who opt for the flat rent may request to have a reexamination and return to the income based method at any time for any of the following reasons:
    - 1) The family's income has decreased.

2) The family's circumstances have changed increasing their expenses for child care, medical care, etc.

3) Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.

c. Families have only one choice per year except for financial hardship cases. In order for families to make informed choices about their rent options, the Sioux Center Housing Authority will provide them with the following information whenever they have to make rent decisions.

1) The Sioux Center Housing Authority's policies on switching types of rent in case of a financial hardship; and

2) The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the Sioux Center Housing Authority will provide the amount of income-based rent for the subsequent year when conducting an income reexamination or if the family specifically requests it and submits updated income information.

2. Paying Rent. Rent is due and payable in advance of or on the first day of each month and shall be considered delinquent after the fifth calendar day of the month. All rents should be paid at 510 North Meadow Drive, Sioux Center, IA. As a safety measure, no cash should be mailed as a rent payment. Cash payments must be made in person to an office staff member.

A \$10.00 fee may be charged when rent is not paid by the fifth day of the month. See Section VII-F-11.

3. Income Method. The total tenant payment is equal to the highest of:

a. 10% of the family's monthly income;

b. 30% of the family's adjusted monthly income; or

c. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this provision is the amount resulting from one application of the percentage; or

The family will pay the greater of the total tenant payment or the minimum rent of \$50, but never more than the ceiling rent or flat rent.

In the case of a family who has qualified for the income exclusion at Appendix C - Annual Income 2 (n), upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance or date of initial hire, 50% of the increased income shall be excluded from income.

The disallowance of increased income of an individual family member is limited to a lifetime 48- month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

4. Minimum Rent. The Sioux Center Low Rent Housing Agency has set the minimum rent at \$50. If the family requests a hardship exemption, however, the Sioux Center Low Rent Housing Agency will suspend the minimum rent beginning the month following the family's request until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

a. A hardship exists in the following circumstances:

1) When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;

2) When the family would be evicted because it is unable to pay the minimum rent;

3) When the income of the family has decreased because of changed circumstances, including loss of employment; and

4) When a death has occurred in the family.

b. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.

c. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will be not be imposed for a period of 90 calendar days from the beginning of the suspension of the minimum rent. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with Section VII, F10 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.

d. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

e. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

5. Zero Income. When families report zero income and have no income excluded for rent calculation, the family will be required to complete a zero income checklist and worksheet. This will provide an

estimate how much they spend on telephone, cable TV, food, clothing, transportation, health care, child care, debts, household items, etc., and whether these costs are being paid by an individual outside the resident family. If so, such payments are considered income.

6. Flat Rent. The Sioux Center Low Rent Housing Agency has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its age, condition, amenities, services, and neighborhood. The Sioux Center Low Rent Housing Agency determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied, if necessary. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family (for more information on flat rents, see Section IX,A2 (a)).

The Sioux Center Low Rent Housing Agency will post the flat rents at the PHA office. Flat rents are incorporated in this policy as approved by the Board of Commissioners as follows:

- a. Flat Rent of \$360 for elderly one-bedroom units, \$460 for elderly two-bedroom units, and \$510 for converted elderly two-bedroom units has been adopted. Flat rents for family are: \$495 for two-bedroom; \$585 for three-bedroom, and \$670 for four-bedroom.

7. Ceiling Rent. The Sioux Center Low Rent Housing Agency has set a ceiling rent for each public housing unit prior to October 1, 1999. The amount of the ceiling rent will be reevaluated annually and the adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family.

The Sioux Center Low Rent Housing Agency will post the ceiling rents at the PHA office. Ceiling rents are incorporated in this policy as approved by the Board of Commissioners.

- a. Ceiling Rents - Ceiling Rent of \$360 for 50 elderly one-bedroom units, \$460 for 2 elderly two-bedroom units, and \$510 for 4 converted elderly two-bedroom units has been adopted. Family ceiling rents are \$495 for two-bedroom, \$585 for three-bedroom, and \$670 for four-bedroom dwellings. The ceiling rents reflect reasonable market value of the housing units.

8. Excess Utility Consumption. The Sioux Center Housing Authority shall establish an average utility consumption for all PHA-paid utilities. The average will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the average, the PHA will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc.). Allowances will be evaluated at least annually as well as any time utility rate changes by 10% or more since the last revision to the allowances.

For Sioux Center Housing Authority paid utilities, the PHA will monitor the utility consumption of each household. Any consumption in excess of the average household utility consumption established

by the PHA may be billed to the tenant monthly. Effective January 1, 2006, (in the family developments only) all excess consumption of water/sewer consumption above 2,500 gallons per individual per dwelling per month will be assessed to the tenant on a monthly basis. No bank usage of water/sewer from one month to another will be allowed.

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

Requests for relief from surcharges for excess consumption of PHA purchased utilities in excess of the average household utility consumption may be granted by the PHA on reasonable grounds.

9. Maintenance Charges. Schedules of charges for maintenance repairs and other services shall be publicly posted in a conspicuous place in the management office and shall be furnished to applicants and tenants upon request. The Housing Authority will notify in writing tenants when such charges are assessed. These charges shall become due and payable fourteen (14) days after such notice has been given to the tenant. A copy of all work orders for tenant abuse are filed in the tenant file and unit maintenance file.

10. Excess Utility Charges. A schedule of charges for excess utilities shall be publicly posted in a conspicuous place in the complex office and shall be furnished to applicants and tenants upon request. The Housing Authority will notify tenants of these charges and they shall become due and payable fourteen (14) days after such notice has been given to the tenant.

11. Late Charges. A late charge of \$10.00 may be charged to any tenant account in which rent is paid after 5 P.M. of the 5th calendar day of the month. The PHA may waive this late charge if the tenant can demonstrate past rental history is in good standing and made previous late rental arrangement to the satisfaction of the PHA. A late charge of \$10.00 plus an additional charge of \$10.00 for processing costs may also be assessed for personal checks returned for non-sufficient funds (NSF) or account closed as the rent will be considered unpaid when this situation happens.

12. Retro Repayment Agreements. When unreported income (including underreported income) is discovered, PHA staff goes back to three years for correct income information. Any retro rent over \$100 is collectable. When a tenant is unable to pay the balance by the due date, the back charges will be set up as a repayment agreement. Repayment agreements must be approved by the Executive Director. All repayment agreements must be in writing and signed by both parties. Failure to comply with the repayment agreement terms may subject the resident to eviction procedures.

A tenant may not be given more than two repayment agreements in any 12 month period. All repayment agreements are set up to assure that full payment is made within a period of one (1) to four (4) years per tenant financial situation.

13. Receipt of a Letter or Notice from HUD concerning Income. If a public housing resident receives a letter or notice from HUD concerning the amount or verification of family income, the letter shall be brought to the person responsible for income verification within thirty (30) calendar days of receipt by the resident.

The Public Housing Manager shall reconcile any difference between the amount reported by the resident and the amount listed in the HUD communication. This shall be done as promptly as possible.

After the reconciliation is complete, the Sioux Center Housing Authority shall, if appropriate, adjust the resident's rent beginning at the start of the next month. If the reconciliation is completed during the final five (5) calendar days of the month, the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the resident had not previously reported the proper income, the Sioux Center Housing Authority shall do one of the following:

- a. Immediately collect the back rent due to the agency;
- b. Establish a repayment plan for the resident to pay the sum due to the agency;
- c. Terminate the lease and evict for failure to report income; or
- d. Terminate the lease, evict for failure to report income, and collect the back rent due to the agency.

14. Housing Authority Mistakes in Calculating Rent. If the Sioux Center Low Rent Housing Agency

makes a mistake in calculating a resident's rent contribution and overcharges the resident, the resident shall receive a refund for the amount of the mistake going back a maximum of 24 months. The refund

shall be given to the resident as soon as practical or credited to the resident's account, whichever the

resident desires unless the resident owes the Housing Authority money in which case the debt shall

be offset to the degree possible before the resident chooses between the two refund methods.

G. Cooperating with Welfare Agencies. The Sioux Center Housing Authority will make its best efforts to enter into cooperation agreements with local welfare agencies under which the welfare agencies will agree:

1. To target assistance, benefits and services to families receiving assistance in the public housing program to achieve self-sufficiency; and
2. To provide written verification to the Sioux Center Housing Authority concerning welfare benefits for families applying for or receiving assistance in our housing assistance programs

H. Cooperating with Law Enforcement Agencies. The Sioux Center Housing Authority will comply, on a case-by-case basis, with information requests from Federal, State or local law enforcement officers regarding

possible fugitive felons and/or a parole or probation violators. The Sioux Center Housing Authority will supply upon legitimate request (1) the current address, (2) Social Security number and (3) photograph (if available) of any recipient of assistance.

The Federal, State or local enforcement officer must submit a request that is (1) written, (2) on law enforcement agency letterhead, and (3) is signed by the requesting officer and his or her immediate supervisor. The request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification. The request should also comply with the following requirements:

1. The law enforcement agency shall notify the Sioux Center Housing Authority that the fugitive felon and/or parole or probation violator (i) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which in the case of the State of New Jersey, is a high misdemeanor; or (ii) is violating a condition of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties;
2. The location or apprehension of the recipient is within the Sioux Center Housing Authority's official duties; and,
3. The request is made in the proper exercise of the law enforcement agency's official duties.

## **IX. REEXAMINATION OF INCOME, ADJUSTMENTS AND FAMILY COMPOSITION**

### **A. Annual Reexamination Procedures (24 CFR 960.209)**

1. At least annually, the PHA will conduct a reexamination of family income, allowances and family circumstances. The results of the reexamination determine (1) the rent the family will pay, (2) eligibility for continued occupancy, and (3) whether the family is housed in the correct unit size. Household composition will be verified annually. Re-examination dates will be February 1 for elderly and March 1 for family units with re-calculated rents effective April 1 and May 1, respectively. The frequency that household income will be verified depends on the type of rent method chosen by the family.
2. Each year in advance of the scheduled annual reexamination effective date, the Sioux Center Low Rent Housing Agency will send a notification letter to the family head of household and spouse letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or income-based rent, and scheduling an appointment if they are currently paying an income rent. The opportunity to select the flat rent is available only at this time. If the family thinks they may want to switch from a flat rent to a formula rent, they should request an appointment. At the appointment, the family must provide all specified information, sign the required forms, and can make their final decision regarding which rent method they will

choose. The Sioux Center Low Rent Housing Agency may assist the family in identifying the rent method that would be most advantageous for the family. The letter also includes, for those families paying the income-based rent, forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

During the appointment, the Sioux Center Low Rent Housing Agency will verify the family size and determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

In the event that a tenant fails to keep the scheduled reexamination appointment or promptly submit all necessary information, he/she shall be given ten (10) calendar days from the date of written notification to provide the PHA with the required information.

In the event the tenant refuses to participate in the interview or to provide information required by the PHA, the Housing Authority may terminate the tenant from the program by taking eviction actions against the family.

- a. Flat Rents. The annual letter to flat rent payers regarding the reexamination process will state the following:
  - 1) Each year at the time of the annual reexamination, the family has the option of electing a flat rent amount in lieu of completing the reexamination process and having their rent based on the income amount.
  - 2) The amount of the flat rent
  - 3) A fact sheet about income rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income.
  - 4) Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo.
  - 5) Families who opt for the flat rent may request to have a reexamination and return to the income-based method at any time for any of the following reasons:
    - a) The family's income has decreased.
    - b) The family's circumstances have changed increasing their expenses for child care, medical care, etc.
    - c) Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.

Once a family returns to the income based method during their "lease year" they cannot go back to a flat rent until their next regular annual reexamination.

6) The dates upon which the Sioux Center Low Rent Housing Agency expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.

7) The name and phone number of an individual to call to get additional information or counseling concerning flat rents.

8) A certification for the family to sign accepting or declining the flat rent.

b. **Income Method.** During the interview, the family will provide all information regarding income, assets, deductions (eligible expenses), and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other verification consent forms. Upon receipt of verification, the Sioux Center Low Rent Housing Agency will determine the family's annual income and will calculate their rent as follows.

The total tenant payment is equal to the highest of:

- 1) 10% of the family's monthly income;
- 2) 30% of the family's adjusted monthly income; or
- 3) The welfare rent; or

The family shall be informed of the results of the rent calculation under both the Income Method and the Flat Rent and given their choice of which rent to pay. The family will pay the greater of the total tenant payment or the minimum rent of \$50, but never more than the flat rent.

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

Third party written verifications are preferred. Oral third party verifications are acceptable, if properly documented. Obtaining documents from the tenant and photocopying is an acceptable form of verification when not prohibited by law. When such documents cannot be photocopied, Housing Authority staff will sign a statement confirming that the verification documents were viewed by recording the document source, date, time, amount, etc. All verifications will be maintained in the tenant's folder.

Verified information will be analyzed and a determination of rent and of the appropriate unit size made. The information the family reports will be compared with the family's most recent reexamination to identify any discrepancies. The UIV sources will also be used to detect any unreported income. If there are any discrepancies, the family will be asked to provide an explanation.

4. Temporary Rent Determinations and Special Reexaminations. When it is not possible to determine the anticipated annual income with any reasonable degree of accuracy at the time of admission or reexamination, a temporary determination of income and rent will be established, giving due consideration to the tenant's past income and other available information. An interim

reexamination will be scheduled to take place within 30 calendar days for most households, and every 90 calendar days for households until the income stabilizes and an annual income can be determined when annual income is zero or difficult to predict. Such interim re-examination will be conducted at any time there is an increase or decrease in income which will affect the amount of rent, or if the tenant is considered at fault for not supplying the correct information. The tenant is to be notified in writing of the effective date of the special reexamination.

Special reexaminations will continue to be scheduled until the income stabilizes and a reasonable estimate of the Adjusted Income can be made. Rents increases determined at special reexaminations shall be made effective the first day of the second month following the final rent determinations. Until the final rent determination can be made, the family will pay rent based upon the existing Adjusted Income.

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

5. Changes in Rent

- a. Increases in rent shall be effective in full the first day of the second month following that in which the change occurred, provided the tenant has complied with all reporting requirements. When the tenant has failed to attend interviews or to provide required information, the Housing Authority may increase the rent retroactive to the reexamination (interim or annual) effective date. Retroactive charges shall not be made when delays are solely the fault of the PHA or due to a reason beyond the control of the family.
- b. Decreases in rent shall take effect on the first of the month after the month in which the change was reported and verified.
- c. Families will be notified within thirty (30) calendar days of the reexamination as to the results and the effective date of a change, if applicable.

B. Eligibility for Continuing Occupancy and Community Service

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

1. Qualify as a family as defined in Section II (A) or the remaining member of a tenant family;
2. Have exhibited appropriate conduct since residing in public housing including:
  - Have not interfered with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare;
  - Have not adversely affected the physical environment of the community;
  - Have not adversely affected the financial stability of the development;
- Have not illegally used a controlled substance or engaged in drug-related criminal activities on or off the premises; and

- Have not interfered with the health, safety, or right to peaceful enjoyment of the premises by other tenants because of the abuse of alcohol.

3. Have abided by the terms and conditions of the lease and the Drug-Free Housing Addendum.

4. In order to be eligible for continued occupancy, the FY2003 HUD/VA Appropriations Act has reinstated the requirement of the Quality Housing and Work Responsibility Act of 1998 which requires

that each non-exempt (see definitions) public housing adult family member (18 or older) must either

(1) contribute eight (8) hours per month of community service; or (2) participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self-sufficiency and economic independence, or (3) perform eight hours per month of combined activities as previously described. This is a requirement of the Public Housing Lease.

**a. Definitions:**

**Community Service** - Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community.

Community service is **volunteer work** which includes, but is not limited to:

- Work at a local institution including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.;
- Work with a non-profit organization that serves PHA residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls clubs, 4-H programs, PAL, Garden Center, Community clean-up programs, beautification programs, other youth or senior organizations;
- Work at the Authority to help improve physical conditions;
- Work at the Authority to help with children's programs;
- Work at the Authority to help with senior programs;
- Helping neighborhood groups with special projects;
- Working through resident organization to help other residents with problems, serving as an officer in a Resident organization, serving on the Resident Advisory Board; and
- Caring for the children of other residents so they may volunteer.

**NOTE: Political activity is excluded.**

**Self Sufficiency Activities** - An economic self-sufficiency program is one that is designed to

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- Job readiness programs or basic skills training;
- Job training programs;
- GED classes;
- Substance abuse or mental health counseling;
- English proficiency or literacy (reading) classes;
- Apprenticeships;
- Financial (budgeting and credit counseling) or household management;
- Any kind of class that helps a person toward economic independence; and
- Full time student status at any school, college, or vocational school.

- Any program necessary to ready a participant to work (such as substance abuse or mental health treatment).

**Exempt Adult** - an adult member of the tenant family who

- Is 62 years of age or older;
- Has a disability that prevents him/her from being gainfully employed;
- Is the caretaker of a disabled person;
- Is working at least 24 hours per week as defined in section 407(d) of the Social Security Act; or
- Is receiving FIP assistance, benefits, or services under the State program funded under part A title IV of the Social Security Act (42 U.S.C. 601 et seq.); or under any other State welfare program, including welfare-to-work and who are in compliance with that program.
- Family members who are or would be exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program.

**b. Requirements of the Program.**

- 1) The eight (8) hours per month may be either volunteer work or self-sufficiency program activity, or a combination of the two.
- 2) At least eight (8) hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The Authority will make the determination of whether to allow or disallow a deviation from the schedule.
- 3) Activities must be performed within the community and not outside the jurisdictional area of the Authority.
- 4) Family community service obligations.
  - As of September 1, 2003, upon admission and in each existing tenant household, all adult members (18 or older) of a public housing resident family must:
    1. provide documentation that they are exempt from Community Service requirement if they qualify for an exemption, and
    2. sign a certification that they have received and read this policy and understand that if they are not exempt, failure to comply with the Community Service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination and non-renewal of their lease.
  - For families paying a flat rent, the obligation begins also on September 1, 2003, and on the date their annual reexamination would have been effective had an annual reexamination taken place.
  - At each annual re-examination after September 1, 2003, non-exempt family members must present a completed documentation form (to be provided by the Authority) of activities performed over the previous twelve (12) months. This form will include places for signatures of supervisors, instructors, or counselors certifying to the number of hours contributed.
  - If a family member is found to be noncompliant at re-examination, he/she and the Head of Household will sign an agreement with the Authority to make up the deficient hours over the next twelve (12) month period. (See Opportunity for Cure, Sec. IX ,B, c-5)

- 5) Change in exempt status:
  - If, during the twelve (12) month period, a non-exempt person becomes exempt, it is his/her responsibility to report this to the Authority and provide documentation of such.
  - If, during the twelve (12) month period, an exempt person becomes non-exempt, it is his/her responsibility to report this to the Authority. The Authority will provide the person with the Recording/Certification documentation form and a list of agencies in the community that provide volunteer and/or training opportunities.

c. **Authority Obligations.**

1. The Authority will coordinate with social service agencies, local schools, and the Community Education office in identifying a list of volunteer community service positions.
2. To the greatest extent possible and practicable, the Housing Authority will:
  - identify all adult family members who are apparently not exempt from the community service requirement and provide names and contacts of agencies that can provide opportunities for residents, including disabled, to fulfill their Community Service obligations. (*According to the Quality Housing and Work Responsibility Act, a disabled person who is otherwise able to be gainfully employed is not necessarily exempt from the Community Service requirement*), and
  - provide in-house opportunities for volunteer work or self-sufficiency programs
  - verify exemptions to the community service requirements annually, except for individuals who are 62 years of age or older
3. The Authority will notify all family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family member to claim and explain an exempt status. The PHA shall verify such claims and provide the family with the following forms:
  - exemption verification forms (Community Service Certification)
  - Recording/Certification documentation forms (volunteer time sheet). Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work. These time sheets must be returned to the Authority's office on a quarterly basis ending 3/31, 6/30, 9/30, and 12/31.
  - copy of the community service policy at initial application and at lease execution
4. The Authority will make the final determination as to whether or not a family member is exempt from the Community Service requirement. Residents may use the Authority's Grievance Procedure if they disagree with the Authority's determination.
5. Noncompliance of family member and Opportunity for Cure:
  - At least thirty (30) calendar days prior to annual re-examination and/or lease expiration, the Authority will begin reviewing the exempt or non-exempt status of each applicable adult family member and compliance of family members with the community service requirement;

- If the Authority finds a family member to be noncompliant, the Authority will offer the opportunity to enter into an agreement with the noncompliant member and the Head of Household prior to the anniversary of the lease. The agreement shall state that the family member(s) 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. It will state the number of hours that the family member is deficient. The cure is to make up the deficient hours over the next twelve (12) month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.
  - If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service, the Agency shall take action to terminate the lease. The lease will not be renewed and the entire family will have to vacate, unless the noncompliant family member agrees to move out of the unit or no longer lives in unit;
  - The family may use the Authority's Grievance Procedure to protest the lease termination.
- d. Prohibition against replacement of agency employees. In implementing the service requirement, the Sioux Center Low Rent Housing Authority may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by its employees, or replace a job at any location where residents perform activities to satisfy the service requirement.

C. Interim Reexaminations

1. Reasons for Interims. If the family's rent is being determined under the income method, any of the changes listed below must be reported to Management between annual reexaminations within ten (10) calendar days of their occurrence. Failure to report changes as required may result in a retroactive rent charge and/or eviction action against the tenant. Only the information affected by the changes being reported will be reviewed and verified. Tenants are required to report the following changes as they may trigger an interim reexamination:
  - Any change in household composition.
  - Any increase in household income, excluding overtime employment income.
  - Any incremental increases in earnings from same employment must be reported and will be excluded until the next annual reexamination date. If tenant seeks new or additional employment, it is the tenant's responsibility to report the change and the income will be included on an interim reexamination up to 40 hours per week with one or more employers.
2. Tenants are not required to, but may at any time, request an interim reexamination which would result in a decrease in the family's rent:
  - a. Decrease in income expected to last at least 30 days; and
  - b. Increase in allowable expenses or other deductions;
  - c. Other changes in family circumstances.

Upon such request, the Sioux Center Housing Authority will take timely action within thirty (30) calendar

days of a change notification to process the interim reexamination and recalculate the tenant's rent.

3. Effective Dates. For interim re-exams, increases in rent shall become effective on the first day of the second month following the month the change was reported, provided the change was reported within ten days of its occurrence and the family complies with the verification requirements and completes re-exam. Decreases in rent shall take place on the first day of the month following the month in which the change is reported. The effective dates of changes that are not reported in a timely manner are covered in #4 below.

4. Errors/Omissions, Misrepresentations/Failure or Delay in Reporting Changes. (In the interest of brevity, the word "error" is used in this section to represent errors, omissions, misrepresentations, and failure to report changes.) If an error in rent is revealed at any time, proper adjustment will be made to correct the error as follows:

a. Errors which are the fault of the tenant:

- If the tenant causes a delay, the rent increase will be effective on the date it would have been effective had the process not been delayed. Increased rent shall be retroactive to the first day of the month following the date the change occurred.
- Decreased rent shall be effective on the first day of the month following the month the change was reported.

b. Errors not the fault of the tenant:

- Increased rent shall be made effective the first day of the second month following the date the error was discovered.
- Decreased rent shall be made retroactive to the first of the month after the interim reexamination should have been completed or the error occurred.

D. Changes in Household Composition

1. The tenant is required to report in writing any change in household composition within ten (10) calendar days of the change.

2. A new born child, an adopted child under 10 years old, or a child under 10 years old for whom custody has been awarded by a court to the Head of the Household or the spouse may be added to a tenant's lease. No other new household member may be added to the tenant's lease unless and until that person has completed an application form stating their income, assets, and all other required information to the Housing Authority. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The Sioux Center Housing Authority will determine the eligibility for admission according to the guidelines specified in Section II of this policy. The Housing Authority has the right to deny admission to any person found to be ineligible or does not pass the screening criteria. At the same time, if the family's rent is being determined under the income method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with Section IX-C-3.

3. A tenant must provide documentation as required by the PHA when reporting that a family member has vacated the household. In the case of an income producing household member, the PHA will require at least two documents verifying the new address of the departing family member or other evidence deemed acceptable by the PHA. Utility bills, a driver's license, an automobile registration, an employer's verification, or a lease or a rent receipt bearing the family member's name, new address and a date are examples of acceptable evidence. Court papers indicating that a family member has left the household such as a Petition for Dissolution of Marriage, a Petition for an Order of Protection from Abuse, or a Petition for Legal Separation may also be acceptable.
4. A tenant eligible for a transfer to a larger or smaller unit as the result of approved changes in household composition may request a transfer and be placed on the master transfer list effective the date the transfer request is approved (see Section X).

E. Visitors

Tenants will be allowed to have visitors for a period of up to fourteen (14) days per time, with a maximum of seventy-five (75) days total in any given calendar year period, except in the case of a household member requiring care during illness or recuperation from illness or injury; as certified by a physician. Written permission must be obtained from the Housing Authority for any deviation from the occupancy standards listed in this policy.

X. **UNIT TRANSFERS**

A. Introduction

The objectives of a tenant transfer include the following: 1) To address emergency situations; 2) To fully utilize available housing resources while avoiding overcrowding by ensuring that each family occupies the appropriate size unit; 3) To facilitate a relocation when required for modernization or other management purposes; 4) To facilitate relocation of families with inadequate housing accommodations; 5) To provide an incentive for families to assist in meeting the Sioux Center Housing Authority's deconcentration goal, if appropriate; and 6) To eliminate vacancy loss and other expenses due to unnecessary transfers.

Transfers of tenants from one unit to another will be approved solely to ensure consistency with the PHA's occupancy standards. Exceptions shall be that elderly tenants in family developments may be transferred to elderly developments and families requiring accessible units may request transfers as outlined in Section VII-G. Tenants will receive one offer of a transfer. Refusal of that offer without good cause (health reasons, etc.) will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfer.

In situations that involve significant risk of violent harm to an individual as a result of previous incidents or threats of domestic violence, dating violence, or stalking, the Housing Authority will, if an approved unit size is available at a location that may reduce the risk of harm, approve transfer by a public housing tenant to a different unit in order to reduce the level of risk to the individual. A tenant who requests transfer must attest in such application that the requested transfer is necessary to protect the health or safety of the tenant or another member of the household who is or was the victim of domestic violence, dating, violence, or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

A policy effective June 8, 1994, has been adopted for giving elderly applicants who are on the waiting list an option to upgrade to a larger unit if they move into an available smaller unit first. They will receive an option of the first right to move into a larger unit when a unit becomes available before others on the waiting list. These residents will be given two (2) days to determine whether they want to move to a larger available unit. Once a larger unit choice is refused, the right to move to another larger unit in the future will no longer be an option.

Transfers to other dwelling units shall be made without regard to race, creed, color, gender, familial status, disability or national origin. (24 CFR 100.5) Tenants shall not be transferred to a dwelling unit of equal size except for transferring a non-handicapped family residing in a handicap-accessible unit or for alleviating hardships, medical reasons, or other undesirable conditions as determined by the Executive Director or designee.

Transfers between developments shall only be made for families requiring units in a size which does not exist within the tenant's current development. Transfers will only be made where tenants are in compliance with their lease, are not delinquent in rent to the Housing Authority, have good housekeeping habits, have not caused damage to the current unit being occupied, or do not have long standing charges remaining outstanding on their accounts.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges

Transfer requests shall be placed on a Transfer List in the order of the date the request is approved. All transfer requests shall be reviewed by the Manager and Executive Director or his/her designee. When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer. A tenant family transferring from one apartment to another is responsible for any costs associated with moving to the new apartment when the transfer is: a) made at the request of the family or by others on behalf of the family (i.e., by the police); b) is needed to move the family to an appropriately sized unit, either larger or smaller; or c) is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

The reasonable cost of the transfer will be borne by the Sioux Center Housing Authority when: a) the PHA has requested the transfer in order to carry out modernization, disposition, renovation, or demolition activities; b) action or inaction by the Sioux Center Housing Authority has caused the unit to be unsafe or inhabitable; or c) is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved.

The responsibility for moving costs in other circumstances will be determined on a case by case basis. Reasonable cost of transfers may include the cost of packing, moving, unloading, and disconnection and reconnecting any existing resident-paid services such as telephone and cable television.

Separate transfer lists shall be maintained for each development; however, a master listing of transfer requests shall be maintained at the main office of the Housing Authority.

- B. The HA has three types of transfers: Emergency - Category 1, Immediate Administrative - Category 2, and Regular Administrative - Category 3.

1. Emergency Transfer - Category 1 are permitted when the unit or building conditions pose an immediate threat to resident life, health or safety, as determined by the PHA. Emergency transfers within sites or between sites may be made to repair the unit or building defects hazardous to life, health, or safety, alleviate verified medical problems of a life threatening nature, or, based on documentation provided by a law enforcement agency, protect members of the household from attack by the criminal element in a particular property or neighborhood. **These transfers shall take priority over new admissions.**
  
2. Immediate Administrative Transfers - Category 2: Include transfers to remove residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency); provide housing options to residents who are victims of hate crimes or extreme harassment; alleviate verified medical problems of a serious nature; permit modernization, revitalization, disposition, or demolition work of units to proceed; or permit a family that requires a unit with accessible features to occupy such a unit. **These transfers shall take priority over new admissions.**
  - (i) Requests for medical transfers under Category 2 will be made to the Manager. The resident will provide the Manager with the necessary verification and/or documentation to substantiate the need for a medical transfer. Whenever feasible, transfers will be made within a resident's area. Medical transfers may also be initiated by the PHA (such as moving a person with mobility problems to a unit with accessible features).
  
3. Regular Administrative Transfers - Category 3: Within sites or between sites may be made to correct occupancy standards (over/under housed conditions), to correct and avoid concentration of the most economically and socially deprived families, to allow for non-emergency but medically advisable transfers, to address situations such as neighbor disputes that are not criminal but interfere with the peaceful enjoyment of the unit or common areas, and other transfers approved by the Sioux Center Housing Authority when a transfer is the only or best way of solving a serious problem. **These transfers will not take priority over new admissions.**
  - (i) Category 3 transfers to correct occupancy standards may be recommended at time of re-examination or interim redetermination. This is the only method used to determine over/under housed status. Residents in an over/under housed status will be advised within 30 calendar days of the annual or interim reexamination that a transfer is recommended and that the family has been placed on the transfer list.
  - (ii) When a head of a household, originally housed in a bedroom by him/herself, has a child, that child shall remain in the parent's bedroom until it is two (2) years of age. After age 2, a Category 3 administrative transfer may be recommended.

**Exceptions:** Spouse or partner returns to the unit, marriage takes place, or family decides to remain in the unit and in the PHA's opinion the unit is large enough to accommodate the number of persons now in the household. (Other than for births, adoption of a child under 10 years old or securing legal custody of a child under 10 years old by the head of household or spouse, that occur during tenancy, the PHA's prior approval of additions to the household is required.)
  - (iii) Split-family transfers will be processed under this category of administrative transfers. Families that split into two "new" households may be transferred to two different units or a portion of the "old" household may be transferred to a single unit depending on family circumstances and unit availability. Options for split-family transfers will be considered in

order to minimize the impact on vacant units. Such transfers will be made in a manner that best benefits the PHA.

(iv) Resident-initiated transfers include transfers for health reasons, better access to community services, proximity to school or work, etc.

C. A tenant that has received a formal transfer offer is given three (3) business days to accept the offer and sign a Dwelling Lease for the new unit. Thereafter, the tenant is given an additional seven (7) calendar days to move personal belongings and complete a transfer. If the transfer has not been completed and keys to the former unit returned after seven (7) calendar days, per diem rent for the former unit will be charged in addition to rent for the new unit until the keys are returned to the appropriate PHA office. Any additional security deposit owed must be paid at the time of the new transfer lease execution.

If the tenant refuses a unit offer, the tenant's lease may be terminated in accordance with the lease, or at the PHA's discretion, the tenant can be placed at the bottom of the transfer list as of the date of refusal and the tenant will so be notified in writing. During the entire proceedings, the tenant will be advised of his/her rights under the Grievance Procedure.

## **XI. TERMINATIONS**

### **A. Termination Notices**

1. The tenant must give a written notice to the Housing Authority of at least thirty (30) calendar days of intent to terminate the lease. If the tenant vacates prior to the end of the thirty (30) calendar days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.
2. If the Housing Authority terminates the lease, written notice must be given to an adult member of the household as follows:
  - If the tenant or any household member has created or maintained a threat constituting a clear and present danger to the health or safety of other tenants, the employees of the HA, or other persons on or within one thousand feet of the HA's property, the HA, after a single three (3) days written notice of termination and notice to quit, may file suit against the tenant for recovery of possession of the premises. The petition shall state the incident(s) giving rise to the notice of termination and notice to quit. The tenant shall be given the opportunity to contest the termination in the court proceedings by notice thereof at least three (3) days prior to the hearing. Drug-related criminal activity or violent activity constitutes a threat to the health and safety of other tenants and to the health and safety of employees of the Housing Authority. (See Appendix C, Glossary of Terms for definition of "clear and present danger".)
  - In the case of failure to pay rent, a three (3) days written notice of non-payment of rent will be issued and/or in the case of other material noncompliance with the rental agreement, notice of the PHA's intention to terminate the lease in fourteen (14) days unless all amounts due under the lease have been paid within three (3) days and/or breach is remedied within the fourteen (14) days.
  - Written notice of at least thirty (30) calendar days prior to termination in all other cases.

- Twelve months after 9/01/03, the date which the Sioux Center Housing Authority has re-implemented the mandated Community Service Requirement, it will not renew the lease of any non-exempt family that is not in compliance with the Community Service Requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.
- 3. Notice of termination to the tenant shall state reasons for the termination and shall inform the tenant of the right to make such reply as tenant may wish. The notice shall also inform the tenant of the right to examine, prior to hearing or trial, and copy (at tenant's expense) Housing Authority documents directly relevant to the termination. The notice shall inform the tenant of the right to request a hearing in accordance with Housing Authority's Grievance Procedure (if the Grievance Procedure is applicable to the dispute involved).

B. Reasons for Termination (24 CFR 906.4)

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

1. Non-payment of rent;
2. A pattern of late-payment of rent (2 times in a six month period);
3. Failure to pay other service charges or maintenance charges;
4. Failure to fulfill tenant obligations set forth in the lease, Drug-Free Housing Addendum, or other rules and regulations, including providing timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent.
5. Failure to allow inspection of the unit;
6. Assignment or subletting of the premises;
7. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
8. Non-compliance with Non-Citizen Rule requirements;
9. Permitting persons not on the lease to reside in the unit more than fourteen (14) calendar days per visit and/or exceeding a maximum of seventy-five (75) days total in any given calendar year period without the prior written approval of the PHA, and
10. Other good cause including, but not limited to:
  - a. Refusal of an offer of a new lease.
  - b. A family history of disturbance to neighbors, destruction of property, or habits which result in damage to the unit or complex.
  - c. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts.
  - d. Failure to maintain the unit in a decent, safe and sanitary condition.

- e. Becoming a convicted sex offender as an existing tenant or household member of the PHA.
- f. Any violent or drug-related criminal activity engaged on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in or on the premises by any other person under the tenant's control. This includes but is not limited to the manufacture or production of methamphetamine on the premises of the Sioux Center Housing Authority or on the premises of any other federally assisted housing;
- g. Illegal use of a drug or a pattern of illegal use of a drug by a household member which interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents as determined by the PHA.
- h. Any criminal activity by a covered person including crimes of physical violence that threaten the health, safety, or right to peaceful enjoyment of the premises by other residents (including PHA management staff residing on the premises) or employees of the Authority by the resident, household members, or guests of the resident, or of residences by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy.

**NOTE:** See Section XIV: Termination of Assistance/Eviction concerning VAWA

-Tenant may be evicted by judicial action for criminal activity regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.

- i. Tenant fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that is a high misdemeanor; or violating a condition of probation or parole imposed under Federal or State law.
- j. Abuse of alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants. The Sioux Center Housing Authority will consider circumstances relevant to the particular case such as the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, the effects that the eviction would have on family members not involved in the offending activity, and the extent to which the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or mitigate the offending action. The PHA will require a leaseholder to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for an action or failure to act that warrants the termination.
- k. Failure to perform required community service or be exempted therefrom;
- l. Furnishing false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.
- m. Abandonment of the unit.
- n. Failure to accept a transfer when currently residing in a unit that is too large or too small for the family based on the PHA's Occupancy Standards.

The Sioux Center Housing Authority will take immediate action to evict any household that includes any individual who is subject to a lifetime registration requirement under a State sex offender registration program.

C. Written Records

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

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

D. Abandonment of the Unit

The Housing Authority will comply with Iowa state law Chapter 562A.29 and 556B.1, in terms of posting notice of intent to declare a unit abandoned, taking possession of the unit, and the timing and method of disposal of items left in the abandoned unit.

The Sioux Center Low Rent Housing Agency will consider a unit to be abandoned when a resident has both fallen behind in rent **AND** has clearly indicated by words or actions an intention not to continue living in the unit.

When a unit has been abandoned, an Sioux Center Low Rent Housing Agency representative may enter the unit and remove any abandoned property. It will be stored in a reasonably secure place. A notice will be mailed to the resident stating where the property is being stored, the cost of storage, and when it will be sold. If the Sioux Center Low Rent Housing Agency does not have a new address for the resident, the notice will be mailed to the unit address so it can be forwarded by the post office.

If the total value of the property is estimated at less than \$50, the Sioux Center Low Rent Housing Agency will mail a notice of the sale or disposition to the resident and then wait thirty (30) calendar days. Family pictures, keepsakes, and personal papers cannot be sold or disposed of until ninety (90) calendar days after the Sioux Center Low Rent Housing Agency mails the notice of abandonment.

If the estimated value of the property is more than \$50, the Sioux Center Low Rent Housing Agency will mail a notice of the sale or disposition to the resident and then wait ninety (90) calendar days before sale or disposition. Personal papers, family pictures, and keepsakes can be sold or disposed of at the same time as other property.

Any money raised by the sale of the property goes to cover money owed by the family to the Sioux Center Low Rent Housing Agency such as back rent and the cost of storing and selling the goods. If there is any money left over and the family's forwarding address is known the Sioux Center Low Rent Housing Agency will mail it to the family. If the family's address is not known, the Sioux Center Low Rent Housing Agency will keep it for the resident for one year. If it is not claimed within that time, it belongs to the Sioux Center Low Rent Housing Agency.

Within ninety (90) calendar days of learning of an abandonment, the Sioux Center Low Rent Housing Agency will either return the deposit or provide a statement of why the deposit is being kept.

## **XII. SUPPORT FOR OUR ARMED FORCES**

A major and important component of our armed forces are the part-time military personnel that serve in various Reserve and National Guard units. The Sioux Center Housing Authority is very supportive of these men and women. An unfortunate fact of service in both the Reserves and National Guard is that from time to time their personnel are activated to full-time status and asked to serve our country in a variety of ways and circumstances. Whenever the Federal Government activates Reserve and/or National Guard personnel, the Sioux Center Housing Authority wants to support these brave warriors in the following manners:

- A. If a family finds it necessary for another adult to temporarily move into a unit solely to serve as a temporary guardian for children residing in the unit, the income received by the temporary guardian will not be counted in determining family income.
- B. Although typically a criminal background check is required before anyone can move into a public housing unit, this requirement will be waived for a temporary guardian. Instead, the background check will occur after the person moves in. If the results of the check dictate that the person is ineligible for public housing, the family shall be given a reasonable time to find a replacement temporary guardian.
- C. Recognizing that activation in the Reserves or National Guard can be very disruptive to a family's income, the Sioux Center Housing Authority will expeditiously re-evaluate a resident's rent if requested to do so and will exercise reasonable restraint if the activated resident has trouble paying their rent.
- D. Typically a unit cannot be held by a family that is not residing in it as their primary residence. If all members of a military family are temporarily absent from the unit because a member of the family has been called to active duty, the family can retain control of the unit by paying the required rent and returning to the unit within 30 days of the conclusion of the active duty service.

## **XIII. ANTI-FRAUD POLICY**

The Sioux Center Housing Authority is fully committed to combating fraud in its public housing program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the Sioux Center

Housing Authority. It results in the inappropriate expenditure of public housing funds and/or a violation of public housing requirements.

Although there are numerous different types of fraud that may be committed, the two most common are

the failure to fully report all sources of income and the failure to accurately report who is residing in the residence. The Sioux Center Housing Authority shall aggressively attempt to prevent all cases of fraud.

When a fraudulent action is discovered, the Sioux Center Housing Authority shall take action. It shall do one or more of the following things depending on circumstances and what it determines appropriate.

- B. Require the resident to immediately repay the amount in question;
- C. Require the resident to enter into a satisfactory repayment agreement as set forth in a previous section of this Policy;
- D. Terminate the resident's tenancy;
- E. Refer the case for criminal prosecution; or
- F. Take such other action as the Sioux Center Housing Authority deems appropriate.

#### **XIV. VIOLENCE AGAINST WOMEN ACT (VAWA) REAUTHORIZATION\_**

##### **A. VAWA Protections**

The Sioux Center Housing Authority is fully committed to following the new expanded provisions of the Violence Against Women Act (VAWA). The "Violence Against Women and Department of Justice Reauthorization Act of 2005" (Pub. L. 109-162) was signed into law on January 5, 2006. Under the VAWA, public housing residents have the following specific protections, which will be observed by the Sioux Center Low Rent Housing Agency: \_

- The Housing Authority may honor court orders regarding the rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of personal property among household members in cases where a family "breaks up".
- There is no limitation on the ability of the Housing Authority to evict for other good cause unrelated to the incident or incidents of domestic violence, dating violence, or stalking provided that the victim is not subject to a "more demanding standard" than non-victims.
- Nothing is to prohibit eviction if the Housing Authority "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated."
- There is nothing in this section that shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.
- If you or a loved one has been a victim of domestic abuse, contact the Family Crisis Centers of NW Iowa at 1-800-382-5603.

- B. *Certification:* The Housing Authority in response to a claim of protected status under VAWA requests that an individual certify via a HUD-approved certification form (HUD-50066) that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meets the requirements of the applicable definition(s) set forth in the statute. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator.

The individual shall provide such certification within fourteen (14) business days after the Housing Authority requests such certification in writing. If the certification is not received within fourteen (14) business days of the administrator's written request, nothing will limit the Executive Director's ability to evict/terminate assistance. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. The Executive Director may extend the fourteen (14) day deadline at their discretion.

Verification/certification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, or stalking may be accomplished by an individual in one of the following three ways:

1. Completing and delivering a *HUD-50066 certification form* which will be supplied by the Housing Authority
2. *Other documentation:* Providing the Housing Authority with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definitions(s) set forth in the statute. The victim of the incident or incidents of domestic violence, dating violence, or stalking must also sign and attest to the documentation under penalty of perjury; or
3. *Police or court record:* Produce a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

- C. *Selection:* An applicant or tenant who is or has been a victim of domestic violence, dating violence, or stalking cannot be denied program assistance or denied admission within the public housing program if they otherwise qualify.

- D. *Lease Terms Regarding Termination:* An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall in itself not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

The Housing Authority may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants. This is also true even if the household member is not a signatory to the lease. Under VAWA, the Sioux Center Low Rent Housing Agency is granted the authority to bifurcate the lease.

- E. *Termination of Assistance/Eviction:* Criminal activity directly relating to domestic violence, dating violence, or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of the tenancy or occupancy rights, if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

- F. *Confidentiality:* All information provided by the victim pursuant to the certification shall be retained in confidence and shall not be entered into any shared database nor provided to any related entity except when the disclosure is: requested or consented to by the individual in writing, required for use in eviction proceedings, or otherwise required by applicable law.

The Sioux Center Low Rent Housing Agency shall provide its tenants notice of their rights under VAWA including their right to confidentiality and the limits thereof.

**XV. POSTING REQUIREMENTS/REVISIONS**

A. Posting Requirements

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

B. Revisions

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

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

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

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

**XVII. MISREPRESENTATION**

The tenant shall be notified in writing if the Housing Authority finds evidence that the tenant or any adult member of the tenant family has misrepresented facts affecting the family's eligibility or rent. Willful

misrepresentation of facts may result in retroactive rent charges, eviction action, and/or criminal prosecution.

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

**XVIII. GRIEVANCE PROCEDURE**

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

Each tenant and tenant organization shall be given a copy of the Grievance Procedure and it is incorporated into this Policy on Admissions and Continued Occupancy and the lease by reference, and appears as Appendix E in this document.

**XIX. RELOCATION**

When the PHA intends to rehabilitate a development or developments and rehabilitation activities will require tenants to move temporarily or permanently, a Relocation Plan will be developed in cooperation with the affected tenants. The plan will dictate preferences to which relocatees will be entitled and their rights

to housing choices, moving expenses, etc. Such preferences may affect the order of selection for applicants and transferees, and Relocation Plan, therefore, will serve as an amendment to this policy.

## APPENDICES

**APPENDIX A**  
**PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY**  
**INCOME LIMITS**

<u>FAMILY</u>	<u>OWER</u> <u>YCOME</u> <u>(median)</u>	<u>Y LOW</u> <u>YCOME</u> <u>(0% of</u> <u>dian)</u>	<u>0%</u> <u>EDIAN</u> <u>YCOME</u>
1	31200	19500	1700
2	35650	22300	3350
3	40100	25050	5050
4	44550 0043750	27850	6700
5	48100	30100	8050
6	51700	32300	9350
7	55250	34550	0700
8	58800	36750	2050

**APPENDIX B**  
**PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY**  
**INFORMAL REVIEW PROCEDURES**

(Applicants Only)

**I. Applicability**

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

**II. Procedures**

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

- E. The informal review shall be conducted by any person or persons designated by the Executive Director, other than a person who made or approved the decision under review or a subordinate of such person.
- F. The applicant shall be given an opportunity to present written or oral objections to the Housing Authority's decision.
- G. The Housing Authority shall promptly notify the applicant in writing of the final decision within fourteen (14) calendar days after the informal review, including a brief statement of the reasons for the final decision.

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

**50058 FORM**

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

**1937 HOUSING ACT**

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

**ACTUAL ANTICIPATED INCOME**

The actual net income (gross income minus expenses) expected to be derived from an asset.

**ADJUSTED ANNUAL INCOME**

Adjusted Income is Annual Income (as defined in this Appendix) minus the deductions for the specified allowances as follows, on which tenant rent is based: (24CFR 5.611)

1. \$480 for each dependent household member who is under 18 years of age, disabled or a full time student.

Note: The head, co-head, spouse, foster child or live-in aide are never counted as dependents.

2. \$400 for each family whose head or spouse is at least 62 years of age, or disabled.
3. Reasonable child care expenses for children 12 and younger where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his/her education. Expenses are taken only to the extent such amounts are not reimbursed. Child care expenses to enable a family member to be employed shall not exceed the amount of employment income that is included in annual income.
4. The sum of the following, to the extent the sum exceeds three (3) percent of annual income:
  - a. Unreimbursed medical expenses of any elderly family or disabled family, including any fee paid by the participant for the Medicare Prescription Drug Program; and
  - b. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who

is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.

**ADULT**

A household member who is 18 years or older or who is the head of the household, or spouse, or co-head. An emancipated minor is also considered an adult. In the anti-drug portions of this policy, it also refers to a minor who has been convicted of a crime as an adult under any Federal, State, or tribal law.

**ALLOWANCES**

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

**ALLOWANCE FOR DEPENDENTS**

An amount, equal to \$480 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income. (See definition of Dependent below.)

**ALLOWANCE FOR DISABILITY ASSISTANCE EXPENSES**

The amount of Disability Assistance Expense in excess of three (3) percent of annual income which enables a family member (including the handicapped or disabled person) to work. The allowance may not exceed the annual income earned by the family member who is enabled to work. Disability assistance expenses include costs for care attendants and auxiliary apparatus (e.g., wheelchairs, adaptations, to vehicles, special equipment) if directly related to permitting the handicapped person or other family members to work, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603(d))

**ALLOWANCE FOR ELDERLY/DISABLED FAMILY**

For elderly families, an allowance of \$400 is deducted from the household's annual income in determining adjusted annual income. Only one deduction per family is permitted even if both the head of household and spouse are elderly.

**AMORTIZATION**

Gradual repayment of a loan (such as a mortgage) through monthly installments of principal and interest over a specified period of time.

**AMORTIZATION SCHEDULE**

A table showing the payment amount, interest, principal, and unpaid balance for the entire term of the loan.

**ANNUAL CONTRIBUTIONS CONTRACT (ACC)**

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

**ANNUAL INCOME**

1. Annual income is the anticipated total income from all sources, monetary or not, received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets to which any member of the family has access for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of income that is temporarily non-recurring or sporadic or excluded by HUD regulation. (1937 Housing Act; 24 CFR 5.609)

If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income), or the Sioux Center Housing Authority believes that past income is the best available indicator of expected future income, the Sioux Center Housing Authority may annualize the income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

Annual income includes, but is not limited to the amounts specified in the federal regulations currently found in 24CFR 5.609:

- a. The full amount, amount before any deductions such as:
  - any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
  - deduction for medical insurance (including Medicare Part B)
  - garnishment for failure to pay an amount owed (e.g., for taxes or alimony)
  
- b. The net income from operation of a business or profession. Expenditures for business expansion, outlays for capital improvements, principal payments on loans, or interest on loans for business expansion or capital improvements shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any

withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family.

A negative business income must be counted as zero income and must not be used to offset other family income.

- c. Interest, dividends, and other net income of any kind from real or personal property. The actual current interest rate on an interest bearing savings or checking account is used to project income for the coming year. Balances below \$100 in a checking account to meet the family's normal day-to-day needs will be disregarded. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. All allowance for depreciation is permitted only as authorized in paragraph 1b of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the Family has Net Family Assets in excess of 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. Income that could have been derived from assets worth more than \$1000 that were disposed of for less than fair market value within the past two years will be counted as income.
- d. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amount for the delayed start of a periodic amount (*except as provided in 2n below*).
- e. Payments in lieu of earnings such as unemployment and disability compensation, worker's compensation and severance pay. (However, lump sum additions such as insurance payments from worker's compensation, claim dispute or a permanent work-related injury are excluded.)
- f. Welfare assistance.
  - a) Welfare assistance payments made under the Family Investment Program (FIP) are included in annual income only to the extent such payments:

1) Qualify as assistance under the FIP program definition at 45 CFR 260.31; and

2) Are not otherwise excluded under paragraph #2, Income Exclusions, of this Glossary of Terms definition Annual Income

b) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:

1) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

c) If the amount of welfare is reduced due to any act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

d) If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.

e) Imputed welfare income

1) A family's annual income includes the amount of imputed welfare income (because of specified welfare benefits reductions resulting from either welfare fraud or the failure to comply with economic self-sufficiency requirements, as specified in notice to the Sioux Center Housing Authority by the welfare agency) plus the total amount of other annual income.

2) At the request of the Sioux Center Housing Authority, the welfare agency will inform the Sioux Center Housing Authority in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the Sioux Center Housing Authority of any subsequent changes in the term or amount of such specified welfare benefit reduction. The Sioux Center Housing Authority will use this information to determine the amount of imputed welfare income for a family.

- 3) A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the Sioux Center Housing Authority by the welfare agency).
- 4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.
- 5) The Sioux Center Housing Authority will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.
- 6) If a resident is not satisfied that the Sioux Center Housing Authority has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Sioux Center Housing Authority denies the family's request to modify such amount, then the Sioux Center Housing Authority shall give the resident written notice of such denial, with a brief explanation of the basis for the Sioux Center Housing Authority's determination of the amount of imputed welfare income. The Sioux Center Housing Authority's notice shall also state that if the resident does not agree with the determination, the resident may grieve the decision in accordance with our grievance policy. The resident is not required to pay an escrow deposit for the portion of the resident's rent attributable to the imputed welfare income in order to obtain a grievance hearing.
- 7) Relations with welfare agencies
  - a) The Sioux Center Housing Authority will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the Sioux Center Housing Authority written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.
  - b) The Sioux Center Housing Authority is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the housing authority. However, the Sioux Center Housing Authority is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.
  - c) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The Sioux Center Housing

Authority shall rely on the welfare agency notice to the Sioux Center Housing Authority of the welfare agency's determination of a specified welfare benefits reduction.

- f. Periodic and determinable allowances, such as alimony and child support payments and regular cash/non-cash contributions or gifts (exceed more than 4 regular payments or \$1,000 per calendar year) received from organizations or from persons not residing in the dwelling.
- g. All regular pay, special pay, and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family or spouse (but see 2g below).

2. Income Exclusions

Annual income does not include the following amounts specified in the federal regulations currently found in 24 CFR 5.609:

- a. Income from employment of children (including foster children) under the age of 18 years;
- b. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone). This exclusion is limited to payments made through official foster care relationships with local welfare agencies;
- c. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in 1e above). If the family retains some of lump sum or all of the money in a form recognizable as an asset, the lump sum is counted as an asset. Lump sums that were never classified as assets cannot be considered assets disposed of for less than fair market value;
- d. Amounts received by the family that are specifically for, or in reimbursement of, the cost of Medical Expenses for any family member;
- e. Income of a live-in aide as defined in 24 CFR 5.403;
- f. The full amount of student financial assistance paid directly to the student or to the educational institution; **unless it is an athletic scholarship** that includes assistance available for housing costs and that portion is included in income.
- g. The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;
- h. The amounts received from the following programs:
  - (i) Amounts received under training programs funded by HUD;
  - (ii) Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - (iii) Amounts received by a tenant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special

equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program; or

- (iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in public housing. This may include, but is not limited to fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time; or
  - (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with the local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
  - i. Temporary, nonrecurring or sporadic income (including gifts), *which* is neither reliable nor periodic;
  - j. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
  - k. Earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse);
  - l. Adoption assistance payments in excess of \$480.00 per adopted child;
  - m. n. The incremental earnings due to employment during a cumulative 12-month period following date of the initial hire shall be excluded for public housing families only, not applicants. This exclusion is only available to the following families:
    - (i) Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
    - (ii) Families whose income increases during the participation of a family member in any economic self-sufficiency program or other job training program.
    - (iii) Families who are or were, within 6 months, assisted under a State FIP or welfare-to-work program, provided that the total amount over a six-month period is at least \$500.
- Prequalifying Income: Includes all income -from assets as well as other sources-received by the family member prior to qualifying for the earned income disallowance (EID)
- Initial Full Exclusion Period: Begins on the first of the month following the employment for the qualified family member.

Upon expiration of the 12-month period described above, the rent payable by a family may be increased due to continued employment of a family member. During the second cumulative 12-

month period after the date of initial hire, 50% of the increased income shall be excluded from income.

The disallowance of increased income of an individual family member is limited to a lifetime 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

- n. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump-sum amount or in prospective monthly amounts;
- o. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
- p. Amounts paid by a State agency to a family with a 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;
- q. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. The following is a list of incomes that qualify for that exclusion:
  - (i) The value of the allotment provided to an eligible household under Food Stamp Act of 1977 (7 U.S.C. 2017(b));
  - (ii) Payments to volunteers under the Domestic Volunteer Services Act of 1977 (42 U.S.C. 5044(g), 5058);
    - Examples of programs under this Act include, but are not limited to:
      - the Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
      - National Volunteer Antipoverty Programs, such as Volunteers in Service to America (VISTA), Peace Corps, Service Learning Programs, and Special Volunteer Programs;
      - Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).
  - (iii) Payments received under Alaska Native Claims Settlement Act (43 U.S.C. 1626 (c));
  - (iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
  - (v) Payments or allowances made under Department of Health and Human Services' Low-Income Energy Assistance Program (42 U.S.C. 8624(f); - (LIHEAP)
    - (vi) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);
    - (vii) Income derived from the disposition of funds of Grant River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04);
    - (viii) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by

individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);

- (ix) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. These are made available to cover the cost of tuition, fees, books, equipment, materials, supplies, transportation and miscellaneous personal expenses of a student or an educational institution (20 U.S.C. 1087uu);

Examples of Title IV programs include but are not limited to:

- Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.

- (x) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));

Examples of programs under this act include, but are not limited to:

- Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.

- (xi) Payments received on or after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, MDL No. 381 (E.D.N.Y.);

- (xii) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);

- (xiii) The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);

- (xiv) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));

- (xv) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);

- (xvi) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));

- (xvii) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);

- (xviii) Any amount of crime victim compensation (under the Victims of Crime Act) received 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 under the Victims of Crime Act (42 U.S.C. 10602); and

- (xix) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).

- (xx) Any low-income subsidy received to assist low-income persons in paying for their Medicare prescription drug program.

- r. The Sioux Center Housing Authority has adopted the following additional exclusions for earned income:

(iv) All overtime income received by a family member from employment.

(ii) All incremental increases in earnings from same employment must be reported, but will be excluded until

the next annual reexamination date. If tenant seeks new or additional employment, it is the tenant's responsibility to report the change and the income will be included on an interim reexamination up to 40 hours per week with one or more employers.

(iii) Portion of earned income which is paid to someone outside the family for child support.

(Earned income which is not available to meet the family's own needs.)

3. If it is not feasible to anticipate a level of income over a 12-month period or the Sioux Center Housing Authority believes that past income is the best available indicator of expected future income, the income anticipated for shorter periods may be annualized, subject to redetermination at the end of the shorter period.

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

#### **ANNUITY**

Contract sold by an insurance company designed to provide payments, usually to a retired person, at specified intervals.

\* *Fixed annuity - guarantees a certain payment amount*

\* *Variable annuity - Do not guarantee a certain payment amount*

\* *Deferred annuity - An annuity that delays income payments until the holder chooses to receive them.*

\* *Immediate annuity - begins payments immediately upon purchase*

\* *Life annuity - continues to pay out as long as the holder is alive*

\* *Single-life annuity - provides income benefits for only one person*

\* *Joint-life annuity - issued on two individuals, and payments continue in whole or in part as long as either individual is alive.*

#### **APPLICANT (applicant family)**

A person or family that has applied for admission and who is seeking assistance through the Public Housing Program and who does not yet have a fully executed lease agreement with the Housing Authority. (24 CFR 5.403)

#### **APPLICATION FOR ADMISSION**

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

#### **AREA OF OPERATION**



Items directly related to permitting a disabled person or other family member to work which will qualify the family for the disability assistance expense deduction. Examples are: wheelchairs, ramps, adaptations to vehicles, special equipment to enable a blind person to read or type, etc.

**BUSINESS DAYS**

Days the housing authority is open for business.

**CARE ATTENDANT**

A person that regularly visits the unit of a PHA resident to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence (and if requested by PHA must demonstrate separate residence) and do not live in the public housing unit. Care attendants have no rights of tenancy.

**CASH VALUE**

The market value of an asset minus any costs that would be incurred to convert the asset to cash.

**CEILING RENT**

The highest rent amount the PHA will require a family to pay, for a particular unit size, when the family is paying an income-based rent.

**CERTIFICATION**

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

**CHILD**

A member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504 (b))

**CHILD CARE EXPENSES**

Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period of which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his/her education. A child care deduction will not be allowed if an adult family member is capable and available to provide the child care. However, the PHA may make an exception to this policy if the unemployed adult family member is not capable of caring for the child(ren) due to a disability. The head of household must document the disability that prevents the adult from providing childcare. The amount deducted shall reflect reasonable (not to exceed dollars charged by state child care approved facilities) charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment and only to the extent such amounts are not reimbursed. (24 CFR 5.603(b) Child care

for the convenience of the family is not an allowable expense. For example, if there is an adult family member, who is capable and available to provide child care residing with the family, who chooses not to care for the child, child care expenses are not deductible.

\* *Actively seeking work* - Provide signed verification from potential employer that an job application was completed or an inquiry for a job opening.

\* *Further his/her education* - Provide signed verification from the academic or vocational training institute.

\* *Gainfully employed* - Provide signed verification of employment, check stub receipts, or comparable documentation.

#### **CHILD CUSTODY**

When two families share custody of a child, the housing authority will rely on tax returns to determine which parent claims the child for income tax purposes to claim the dependent deduction.

#### **CITIZEN**

A citizen (by birth or naturalization) or national of the United States. (24 CFR 5.504(b))

#### **CLEAR AND PRESENT DANGER (Iowa Code 562A.27A)**

A clear and present danger to the health or safety of other tenants, the landlord, the landlord's employees or agents, or other persons on or within one thousand feet of the landlord's property includes, but is not limited to, any of the following activities of the tenant or of any person on the premises with the consent of the tenant:

- a. Physical assault or the threat of physical assault.
- b. Illegal use of a firearm or other weapon, the threat to use a firearm or other weapon illegally, or possession of an illegal firearm.
- c. Possession of a controlled substance unless the controlled substance was obtained directly from or pursuant to a valid prescription or order by a licensed medical practitioner while acting in the course of the practitioner's professional practice. This paragraph applies to any other person on the premises with the consent of the tenant, but only if the tenant knew of the possession by the other person of a controlled substance.

This section shall not apply to a tenant if the activities causing the clear and present danger, as defined in this subsection, are conducted by a person on the premises other than

the tenant and the tenant takes at least one of the following measures against the person conducting the activities:

- a. The tenant seeks a protective order, restraining order, order to vacate the homestead, or other similar relief pursuant to Chapters 236, 598 or 910A, or any other applicable provision which would apply to the person conducting the activities causing the clear and present danger.
- b. The tenant reports the activities causing the clear and present danger to a law enforcement agency or the county attorney in an effort to initiate a criminal action against the person conducting the activities.
- c. The tenant writes a letter to the person conducting the activities causing the clear and present danger, telling the person not to return to the premises and that a return to the premises may result in a trespass or other action against the person, and the tenant sends a copy of the letter to a law enforcement agency whose jurisdiction includes the premises. If the tenant has previously written a letter to the person as provided in this paragraph, without taking an action specified in paragraph "a" or "b" or filing a trespass or other action, and the person to whom the letter was sent conducts further activities causing a clear and present danger, the tenant must take one of the actions specified in paragraph "a" or "b" to be exempt from proceedings pursuant to termination for this reason.

However, in order to fall within the exemptions provided within this subsection, the tenant must provide written proof to the landlord, prior to the commencement of a suit against the tenant, that the tenant has taken one of the measures specified in paragraphs "a" through "c".

#### **COMMUNITY SERVICE**

The performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

#### **CONSENT FORM**

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

#### **CONTINUOUSLY ASSISTED**

An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act. Families are considered to be continuously assisted if they were previously assisted in subsidized housing with 90 days prior to Public Housing occupancy.

**COVERED FAMILIES**

Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

**COVERED PERSON**

For purposes of the anti-drug provisions of this policy, a covered person is a tenant, any member of the tenant's household, a guest or another person under the tenant's control.

**CURRENTLY ENGAGING IN**

With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.

**DATING VIOLENCE**

Violence committed by a person:

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (i) The length of the relationship.
  - (ii) The type of relationship.
  - (iii) The frequency of interaction between the persons involved in the relationship.

**DECENT, SAFE, AND SANITARY**

Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

**DEPENDENT**

A member of the family household (excluding foster children and foster adults) other than the head of household, spouse, or live-in attendant, who is under 18 years of age, is a disabled person, or is a full-time student who is 18 years of age or older. (24 CFR 5.603(d))

**DISABILITY ASSISTANCE EXPENSES**

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

\*Attendant care may include in-home care, adult day care, nursing, housekeeping, personal care, errand services, interpreters for persons with hearing impairments, readers for persons with visual disabilities, and similar care.

\*Auxiliary apparatus items may include wheelchairs, ramps, adaptations to vehicles, scooters, reading devices for persons with visual disabilities, service animals, and similar items. PHA also includes the cost of maintenance and upkeep for such items (e.g., the food and veterinary costs for a service animal).

**DISABLED PERSON or PERSON WITH DISABILITY**

A person who:

a. Has a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423); or

b. Is determined, pursuant to HUD regulations to have a physical, mental, or emotional impairment that: (1) is expected to be of long-continued and indefinite duration; (2) substantially impedes his or her ability to live independently; and; (3) is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or,

c. Has a developmental disability as defined in Section 102 (5) (b) of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6001(5)]

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

For purposes of qualifying for low-income housing, it does not include a person whose disability is based solely on any drug or alcohol dependence or diagnosis of HIV positive.

**DISPLACED FAMILY/PERSON**

A family in which each member or whose sole member is a person displaced or about to be displaced by governmental action (such as urban renewal) or whose dwelling has been extensively damaged or destroyed as a result of disaster declared or otherwise formally recognized pursuant to

Federal disaster relief laws. Lodgers may not be included in the family. This definition is used to determine general program eligibility and eligibility for certain allowances when rent is calculated. (24CFR 5.403(b))

**DOMESTIC VIOLENCE**

Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction (Sec. 40002(a)(6)).

**DRUG**

A controlled substance as defined in the Controlled Substances Act. (24 CFR 5.100)

**DRUG-RELATED CRIMINAL ACTIVITY**

Drug trafficking or the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug (controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

**ECONOMIC SELF-SUFFICIENCY PROGRAM**

Any program designed to encourage, assist, train or facilitate the economic independence of HUD- assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (including a substance abuse or mental health treatment program). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)) or CFR 5.603(c).

**ELDERLY FAMILY**

A family whose head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with another who is determined to be essential to their care or well being (live-in-aide). (24 CFR 5.403)

**ELDERLY PERSON**

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

**ELIGIBLE IMMIGRATION STATUS**

Documentation and verification of eligible status as defined by HUD.

**EQUITY**

Market value less the mortgage balance

**EVICTION**

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

**EXTREMELY LOW-INCOME FAMILIES**

Those families whose incomes do not exceed 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**FAIR HOUSING ACT**

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

**FAIR MARKET RENT (FMR)**

Rent that would be required to be paid in the particular housing market area in order to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. This Fair Market Rent includes utilities (except telephone). Separate Fair Market Rents will be established by HUD for dwelling units of varying sizes (number of bedrooms).

**FAMILY**

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

- a. A family with or without children (Unborn children, children in the process of being adopted, and children temporarily absent from the home due to placement in foster care are considered family members for the purpose of determining bedroom size, but are not considered family members for determining income limit.);
- b. An elderly family;
- c. A near-elderly family;
- d. A disabled family;

- e. A displaced family;
- f. The remaining member of a tenant family; and
- g. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)
- h. Independent married students

Family **excludes** but is not limited to: unrelated adults, unmarried and same-sex couples

**FAMILY MEMBERS**

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

**FIP** Family Investment Program

**FLAT RENT**

A rent amount established by the housing authority for each public housing unit which the family may choose to pay in lieu of having their rent determined under the income method. The flat rent is based on the market rent charged for comparable units in the unassisted rental market, designed so that the rent does not create a disincentive for continued residency by families who are attempting to become economically self-sufficient. The flat rent is set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

**FOSTER-CARE PAYMENT**

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

**FRAUD AND ABUSE**

A single act or pattern of actions: (a) that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead; and (b) that results in payment of program funds in violation of program requirements.

**FULL-TIME STUDENT**

A person who is attending school or vocational training on a full-time basis as defined by the institution.

Typically, full-time status consists of 12 or more attempted credit hours per semester/quarter. (24 CFR 5.603)

**GUEST**

A person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant

**HANDICAPPED/DISABILITY ASSISTANCE EXPENSE**

Reasonable expenses in excess of three (3) percent of annual income that are anticipated during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and expenses that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603 (d))

**HEAD OF HOUSEHOLD**

The adult member of the family, 18 years of age or older, or an emancipated minor under the age of 18 years, whom the members of the family have routinely looked to as the head of the family, for purposes of determining income eligibility and rent and who is legally competent to sign a binding contract. (24 CFR 5.504 (b))

**HOMELESS FAMILY**

"Homeless Family" includes any individual or family who:

1. lacks a fixed, regular, and adequate nighttime residence; and
2. has a primary nighttime residence that is:
  - a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
  - b. An institution that provides a temporary residence for individuals intended to be institutionalized; and
  - c. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

A "Homeless Family" does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or State law.

**HOSTILE FIRE PAY**

Imminent danger pay or combat pay. Should be labeled as such on an armed forces member's leave and earnings statement.

**HOUSEHOLD**

Family and PHA-approved live-in aide.

**HUD**

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

**IMMEDIATE FAMILY MEMBER**

With respect to a person: (A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any other person living in the household of that person and related to that person by blood or marriage.

**IMPUTED INCOME**

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

**IMPUTED WELFARE INCOME**

The amount of annual income not actually received by a family, as a result of a welfare benefit reduction for welfare fraud or the failure to comply with economic self-sufficiency requirements, that is nonetheless included in the family's annual income for purposes of determining rent.

**INDEPENDENT STUDENT** (as provided by the Department of Education Source website)

Student must meet at least one of the following guidelines:

1. For the 2004-05 school year, the student must be **born before 01/01/1981**; for the 2005-06 school year, the student must be **born before 01/01/1982**; or
2. The student must be **married**; or
3. The student must **have a child or other dependents** who receive more than half their support from the student and who also live with the student; or
4. The student must be enrolled as a **graduate or professional student** (medicine, dentistry, or law); or
5. The student must be a qualified **veteran** of the U.S. military; or
6. The student must be an **orphan (parents deceased) or ward of the court** or was ward of the court until age 18; or
7. The student must have **special and unusual circumstances** which can be documented to his or her college financial aid administrators (i.e., abuse in the family, alcoholism, etc.). This is extremely rare and only an experienced financial aid administrator at your college can make this "dependency override."

**IN-KIND PAYMENTS**

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

**INCOME METHOD**

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

**INCREMENTAL EARNINGS & BENEFITS**

The increase between the total amount of welfare and earnings of a family member prior to enrollment in the training program and welfare and earnings of the family member after enrollment in the training program. (PIH 98-2)

**INTERIM EXAMINATION**

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

**INS**

U.S. Immigration and Naturalization Service.

**LAW ENFORCEMENT AGENCY**

The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

**LEASE**

A written agreement between the PHA and an eligible family for the leasing of a Public Housing unit.

The lease establishes the conditions for occupancy of the unit.

**LIVE-IN-AIDE**

A person (18 or older) who resides with one or more elderly persons or near-elderly persons, or persons with disabilities, and who:

- a. Is determined by the Authority to be essential to the care and well-being of the person(s);
- b. Is not obligated for support of the person(s); and
- c. Would not be living in the unit except to provide necessary supportive services.  
(24 CFR 5.403 (b))

A live-in aide is not a party to the lease and does not qualify as the remaining member of a tenant family.

A live-in-aide is classified a "guest" staying temporarily with the consent of the tenant or tenant's family.

**LOW-INCOME FAMILIES**

Those families whose incomes do not exceed 80% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80% of

the median for the area on the basis of HUD's findings that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes. (1937 Housing Act)

**LUMP SUM BENEFIT**

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

**MEDICAL EXPENSES** (Eligible)

For purposes of income determination for elderly or disabled families, medical expense in excess of 3% of total family income, including medical insurance premiums which are anticipated to be incurred during the period for which the annual income is computed, where these expenses are not compensated for, nor are covered by insurance. (24 CFR 5.603(d)). Medical expenses include the Internal Revenue Service (IRS) definition of eligible expenses, Publication 502, Medical and Dental Expenses.

**MINOR**

A person less than eighteen (18) years of age. (Head of household, spouse, or an unborn child may not be counted as a minor.)

**MIXED FAMILY**

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

**MIXED POPULATION DEVELOPMENT**

A public housing development, or portion of a development, that was reserved for elderly and disabled families at its inception (and has retained that character). If the development was not so reserved at its inception, the PHA has obtained HUD approval to give preference in tenant selection for all units in the development (or portion of development) to elderly families and disabled families. These developments were formerly known as elderly projects.

**NATIONAL**

A person who owes permanent allegiance to the U.S., for example, as a result of birth in a U.S. territory or possession. (24 CFR 5.504(b))

**NEAR-ELDERLY FAMILY**

A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the

age of 62; living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b)).

**NEAR-ELDERLY PERSON**

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

**NET FAMILY ASSETS**

Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, life insurance policies, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles is excluded.

Reasonable costs include: penalties for premature withdrawal of funds; broker and legal fees for selling assets or converting them to cash; and settlement costs for real estate transactions.

In cases where a trust fund had been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income. (24 CFR 5.609)

In determining the Net Family Assets, the Housing Authority shall include the value of any business or family assets greater than one thousand dollars (\$1000) which were disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of any consideration received for the asset. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

**NON-CITIZEN**

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

**OTHER PERSON UNDER THE TENANT'S CONTROL**

The person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently

on the premises solely for legitimate commercial purposes is not under the tenant's control.

**PARTICIPANT**

A family or individual that is assisted by the public housing program.

**PERMANENTLY ABSENT**

A person or persons not actually residing in the unit who once lived there and does not intend to return. One becomes permanently absent when one vacates the unit.

**PREMISES**

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

**PREVIOUSLY UNEMPLOYED**

This 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 established minimum wage.

**PRORATION OF ASSISTANCE**

The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR5.520)

**PUBLIC HOUSING**

Any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing assisted under the 1937 Act, other than under Section 8. Public housing includes dwelling units in a mixed-finance project that are assisted by a PHA with capital or operating funds.

**RECERTIFICATION**

Sometimes called reexamination. The process of securing documentation of a family's income, expenses, and composition to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

**REMAINING FAMILY MEMBER**

A person left in an assisted unit after other family members have vacated who may or may not normally qualify for assistance on his or her own circumstances (e.g., widow age 47, not disabled or handicapped). The person must be of legal age to sign a lease (adult) and all amounts incurred under the previous lease must have been paid before the person is provided a lease in his/her name.  
(Handbook 7565.1 REV-2, 3-5b.)

**RENT** (for the purpose of determining eligibility for the Rent-Burdened Preference)

1. The actual amount due, calculated on a monthly basis under a lease or occupancy agreement between a family and the family's current landlord
2. In the case of utilities purchased directly by tenants from utility providers:
  - a. The utility allowance (if any) determined for the Public Housing Program for tenant-purchased utilities (except telephone and cable) and the other housing services that are normally included in rent: or
  - b. If the family chooses, the average monthly payments that it actually made for these utilities and services for the most recent 12-month period, or if information is not obtainable for the entire period, for an appropriate recent period.
  - c. For the purposes of calculating rent under this definition, amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the otherwise applicable rental amount, to the extent that they are not included in the family's income.
  - d. In the case of an applicant who owns a manufactured home, but who rents the space upon which it is located, rent, under this definition includes the monthly payment to amortize the purchase price of the home, calculated in accordance with HUD's requirements.
  - e. In the case of an applicant who resides within the jurisdiction of an Indian Housing Authority that is not administering a Public Housing Program, the applicable utility allowance for purposes of calculating rent under this definition will be determined under 24 CFR part 965, Subpart E.
  - f. In the case of members of a cooperative, rent under this definition means the charges under the occupancy agreement between the members and the cooperative.

**RESIDENCY**

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

**RESPONSIBLE ENTITY**

For the public housing program, responsible entity means the PHA administering the program under an Annual Contributions Contract with HUD. (CFR 5.603)

**SECURITY DEPOSIT**

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

**SELF-DECLARATION**

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

**SHELTER ALLOWANCE**

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

**SINGLE PERSON**

A person who lives alone or intends to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family.

**SPECIFIED WELFARE BENEFIT REDUCTION**

- a. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
- b. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:
  1. at the expiration of a lifetime or other time limit on the payment of welfare benefits;
  2. because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
  3. because a family member has not complied with other welfare agency requirements.

**SPOUSE**

Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common law marriage. It does not cover boyfriends, girlfriends, significant other, or "co-heads".

**STALKING**

✧\_(i) To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and\_(ii) To place under surveillance with the intent to kill, injure, harass or intimidate another person; and

↻ In the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to:

- (i) That person;
- (ii) A member of the immediate family of that person; or
- (iii) The spouse or intimate partner of that person; \_

**STATE WAGE INFORMATION COLLECTION AGENCY (SWICA)**

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

**SUBSTANTIAL DIFFERENCE**

A difference that is \$200 or more per month when UIV income data differs from other verified and/or tenant-provided and/or other verified income information.

**TEMPORARILY ABSENT**

A person or persons not actually residing in a unit for a period of time while still maintaining control of the unit. This includes:

- Children temporarily away from home because of placement in *foster care*. Their income is treated the same as that of other children in the family
- Income of family members who are away from home serving in the *military* depends on their status. If family head, spouse, or co-head, income must be included regardless of whether he or she is on the lease. Compensation of regular pay, special pay, and allowances are included in annual income. Special pay for exposure to hostile fire is not included.
- Family members *permanently confined to a hospital or nursing facility*. Our PHA allows a family to choose whether to (a) include the member's income and receive allowable deductions for medical expenses related to the individual's care or (b) remove the member from the lease, exclude his or her income, and receive no deductions related to his or her care.

**TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)**

The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a sixty (60) month specified time period.

**TENANT RENT**

The amount payable monthly by the family as rent to the Housing Authority. Where all utilities (except telephone, cable, freezer, car plug, etc.) and other essential housing services are supplied by the Housing Authority, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone and cable) and other essential housing services are not supplied by the Housing Authority and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance. (24 CFR 5.603(d))

**THIRD-PARTY (verification)**

Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

**TOTAL TENANT PAYMENT (TTP)**

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

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

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

2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges. (CFR 5.613)

b. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

### **TRAINING PROGRAM**

A learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to classroom training in a specific occupational skill, on-the-job training with wages subsidized by the program, or basic education.

### **TRANSFER**

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

### **TRUST**

Legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

\* *Revocable trust - a trust that the creator may amend or revoke (end) and has access to the funds.*

\* *Nonrevocable trust - one that the creator may not amend or revoke and has no access to the funds in the account.*

### **UTILITIES**

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

### **UTILITY ALLOWANCE**

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

If all utilities are included in the rent, there is no utility allowance. Utility allowances vary by unit type and bedroom size. (24 CFR 5.603)

### **UTILITY REIMBURSEMENT**

Funds that are reimbursed to the resident or, with the resident's permission, the utility company on the resident's behalf if the utility allowance for the unit exceeds the Total Tenant Payment for the family occupying the unit. Tenants who choose to pay flat rents do not receive a utility reimbursement, since the value of the flat rent takes into account any utilities paid by the tenant. (24 CFR 5.603)

### **VERY LOW- INCOME FAMILIES**

Families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median for the area if HUD finds that such variations are necessary because of unusually high or low family incomes. (1937 Housing Act)

### **VIOLENT CRIMINAL ACTIVITY**

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

### **WELFARE ASSISTANCE**

Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (24 CFR 5.603(d) including assistance provided under the Family Investment Program (FIP), as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31.

45 CFR 260.31 defines the term "assistance" to include cash, payments, vouchers, and other forms

of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

It includes such benefits even when they are:

- a. Provided in the form of payments by a FIP agency, or other agency on its behalf, to individual recipients; and
- b. Conditioned on participation in work experience or community service (or any other work activity under 45 CFR 261.30).

Except where excluded later in this definition, it also includes supportive services such as transportation and childcare provided to families who are not employed.

The term "assistance" excludes:

- a. Nonrecurrent, short-term benefits that:
  - 1) Are designed to deal with a specific crisis situation or episode of need;
  - 2) Are not intended to meet recurrent or ongoing needs; and
  - 3) Will not extend beyond four months or \$1,000 per calendar year..
- b. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
- c. Supportive services such as child care and transportation provided to families who are employed;
- d. Refundable earned income tax credits;
- e. Contributions to, and distributions from, Individual Development Accounts;
- f. Services such as counseling, case management, peer support, childcare information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
- g. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.

**WELFARE RENT**

In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities. Family whose annual income does not exceed 50 percent of the median income for the area as determined by HUD.

**WRITTEN NOTIFICATION**

All written notifications required in this policy shall be hand delivered with a signed receipt or mailed via first class mail unless specified otherwise.

## **ASSET ACCESSIBILITY**

Determination of Accessible Asset is as follows:

- Is asset held in family member's name?    Yes        No , If yes, who? \_\_\_\_\_
- Is family member's social security number associated with the asset?    Yes        No
- Can a family member withdraw funds from or sell the asset?    Yes        No
- Does the asset and any income that it produces accrue to the benefit of a family member?    Yes  
No
- Is a family member responsible for paying taxes on income generated by the asset?    Yes        No
- Does anyone else have access to the asset?    Yes    No

APPENDIX D  
PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
GRIEVANCE PROCEDURE

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## GRIEVANCE PROCEDURE

### I. PURPOSE AND SCOPE

This Grievance Procedure sets forth the requirements, standards, and criteria established to assure the tenants of the Sioux Center Low Rent Housing Agency (the Authority) are afforded an opportunity for a Hearing if he or she disputes within ten (10) business days from the receipt of any Housing Authority action or failure to act involving the tenants' Dwelling Lease or Housing Authority regulations which adversely affect the individual tenant's rights, duties, welfare or status.

### II. APPLICABILITY

- A. This procedure applies to all grievances between individual tenants and the Housing Authority as defined in Section 3A below.
- B. This Grievance Procedure does not apply to:
1. Disputes between tenants in which the Authority is not involved;
  2. Any changes in Authority policies and procedures. This procedure is not intended as a forum for initiating or negotiating policy changes between a tenant or group of tenants and the Authority, or its Board of Commissioners.
  3. Class grievances.
  4. Iowa has been determined by HUD to be a "due process" state, therefore this Grievance Procedure does not apply to termination of tenancy or eviction that involves:
    - a. Any criminal or other activity that threatens the health, safety, or right to peaceful enjoyment of the premises or other tenants or employees of the Authority;
    - b. Any violent or drug-related criminal activity on or off the premises; OR.
    - c. Any criminal activity resulting in a felony conviction of a household member.
  5. Upon any termination of tenancy or eviction referenced in Item 4 above, the tenant will be given the right to a full "due process" hearing in the appropriate judicial proceeding. 24 CFR 966.51 (a)(2)(iv)

### III. DEFINITIONS

For the purpose of this Grievance Procedure, the following definitions apply: (& 966.53)

- A. **Grievance** -- Any disagreement or dispute which a Tenant may have with respect to Housing Authority's action or failure to act in accordance with the individual's Dwelling Lease or Housing Authority regulations which adversely affects the individual Tenant's rights, duties, welfare or status.
- B. **Complainant** -- Any Tenant whose grievance is presented to the office of the Housing Authority for an informal settlement or a formal hearing in accordance with Sections 4 and 5 of this procedure.

C. **Elements of Due Process** -- Legal proceedings carried out in accordance with established rules. Any eviction action or termination of tenancy in a State or local court in which the following procedural safeguards are required:

1. Adequate notice to the tenant of the grounds for terminating his or her lease and for eviction.
  - a. The Housing Authority shall give three (3) days written notice of nonpayment of rent and fourteen (14) days written notice of lease termination for failure to pay rent or material noncompliance with the rental agreement. (Iowa Code section 562A.27)
  - b. The Housing Authority shall give three (3) days written notice of termination if there is a threat to the health or safety of other tenants or employees of the authority, including a drug-related criminal activity on or off the premises.
  - c. The Housing Authority shall give thirty (30) days written notice of termination in all other cases.
2. The right of the tenant to be represented by legal counsel at the expense of the tenant.
3. The opportunity for the tenant to disagree with the evidence presented by the Housing Authority including the right to confront and cross-examine witnesses and to present any affirmative legal or fair defense which the tenant may have. The tenant may examine (and make copies of at the tenant's own expense) all relevant documents, records, policies, and regulations of the Housing Authority prior to the hearing for the purpose of preparing a defense.
4. A decision on the merits.
5. A person with disabilities shall be provided reasonable accommodation to the extent necessary to provide the person with the opportunity to participate in a grievance hearing.

D. **Hearing Officer** -- A person selected to hear grievances and make a decision with respect thereto.

E. **Hearing Panel** -- A three member panel selected to hear grievances and to make a decision with respect thereto.

F. **Tenant** -- shall mean the adult person (or persons) other than a live-in aide who:

1. Resides in the unit, and who executed the lease with the Authority as lessee of the dwelling unit, or, if no such person now resides in the unit;
2. Resides in the unit, and is a remaining head of the household of the tenant family residing in the dwelling unit.

G. **Resident organization** -- An organization of residents, which also may include a Resident Council and Resident Management Corporation.

H. **Informal Settlement** -- Meeting held with complainant and the Authority in an attempt to resolve the grievance before going to a formal grievance hearing.

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

#### IV. INFORMAL SETTLEMENT OF GRIEVANCE (966.54)

- A. Any grievance shall be personally presented, either orally or in writing, within five (5) business days after the grievable event to the Authority office of the project in which the complainant (also referred to as "tenant") resides so that the grievance may be discussed informally and possibly settled without a Hearing. The PHA must schedule the informal meeting within ten (10) business days of receipt of the grievance.
- B. The Housing Authority must, within a reasonable time and not to exceed thirty (30) days after the informal discussion, provide a written summary of the informal discussion of the meeting discussion and send it to the tenant by Registered or Certified Mail or deliver it personally with a signed receipt obtained from the tenant. A copy will be retained in the tenant's file. The summary will specify:
  - 1. Names of the participants.
  - 2. Date of the discussion or meeting.
  - 3. Nature of proposed disposition of the grievance.
  - 4. Specific reason for proposed disposition of the grievance.
  - 5. Procedures by which a Hearing may be obtained if the tenant is not satisfied.
  - 6. That the tenant has five (5) business days from the date of the summary of the discussion to request a hearing.
- C. Before a tenant can request a Hearing by a Hearing Officer/Hearing Panel the grievance must be submitted first for an informal meeting.
- D. The failure of the tenant to submit a request for an informal discussion within the time period provided above or to appear for the informal discussion shall terminate the tenant's right for a grievance hearing under this policy. However, such failure shall not constitute a waiver of any right of the tenant to contest the Housing Authority's action in disposing of the grievance (complaint) in an appropriate judicial proceeding. 24 CFR 966.54 (c)
- E. If the tenant can show good cause why he or she has failed to follow the procedure for informal meeting to the Hearing Officer/Hearing Panel, the informal meeting may be waived by the Hearing Officer/ Hearing Panel.
- F. The participant family may request that the Housing Authority provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

#### V. PROCEDURE TO OBTAIN A FORMAL HEARING

- A. If the tenant is dissatisfied with the final results of the informal meeting, he or she must submit a written request to the Housing Authority or to the project office within ten (10) business days after the receipt of the summary of the discussion pursuant to Section 4. The written request for a formal hearing must specify the reason(s) for the grievance and the action or relief sought.
- B. Selection of hearing officer/hearing panel. Grievances shall be presented before a hearing officer/hearing panel. The hearing officer/hearing panel shall be an impartial, disinterested person appointed by the PHA, other than the person who made or approved the PHA action under review or a subordinate of that person.

#### **VI. FAILURE TO REQUEST A HEARING**

If the tenant does not request a formal hearing within five (5) business days following the date of the summary of the informal meeting:

- A. The Housing Authority's disposition of the grievance under Section 4 as stated in the summary of the discussion, becomes final and effective at the close of business on the fifth business day following the date of the summary of the discussion.
- B. The failure to request a hearing does not waive the tenant's right to contest the Housing Authority's decision in disposing of the complaint in an appropriate judicial proceeding. 24 CFR 966.54(c)

#### **VII. HEARING INVOLVING AMOUNT OF RENT - ESCROW ACCOUNT**

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

- A. Pay the Authority the full amount of rent, calculated by the Authority, which was due on the first of the month preceding the month in which the grievance occurred or the PHA acted or failed to act; and
- B. Deposit this same amount of rent due into an escrow account every month until the complaint is resolved by the hearing officer's decision. Amounts deposited into the escrow account shall not be considered as acceptance of money for rent during the period in which the grievance is pending.

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

The requirements described in Section 7 of this Grievance Procedure may be waived by the Housing Authority in extenuating circumstances.

If a grievance concerns the denial of a financial hardship exemption from the minimum rent requirement or the effect of welfare benefit reductions in the calculation of family income, the requirement for an escrow deposit is waived.

#### **VIII. SCHEDULE OF HEARINGS**

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

- A. A hearing will be scheduled by the hearing officer/hearing panel within ten (10) days of the date the PHA receives the Request for the Hearing.
- B. The hearing will be scheduled for a time and place reasonably convenient to both the complainant and the Housing Authority. The written notification will be delivered to the tenant and appropriate Authority officials, by Registered or Certified mail, or delivered promptly with a signed receipt notice.
- C. The written notification will specify:
  - 1. Time of hearing.
  - 2. Place of hearing.
  - 3. Procedures governing the hearing.

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

- A. If the tenant or the Housing Authority fails to appear at the hearing, the hearing officer/hearing panel will make a determination that the non-appearing party has waived the right to a hearing ; however, in certain cases, they may make a determination to postpone the hearing for a period not to exceed five (5) business days.
- B. The tenant and the Housing Authority will both be notified in writing of this determination by the hearing officer within fourteen (14) days.
- C. Failure of the tenant to appear at the hearing and a determination that he or she has waived the right to a hearing does not waive the tenant's right to argue the case in an appropriate judicial proceeding.

**X. PROCEDURE GOVERNING HEARING**

- A. The Hearing shall be held before the hearing officer/hearing panel.
- B. The tenant shall be afforded a fair hearing, which shall include:
  - 1. The opportunity to examine before the hearing, any documents, including records and regulations, that are directly relevant to the hearing. The tenant shall be allowed to copy any documents at his or her own expense. Any document requested but not made available to the tenant for examination may not be relied on by the Housing Authority during the hearing; 24 CFR 966.56 (b)(1)
  - 2. The right to be represented by counsel or other person chosen as his or her representative and to have this person make statements on the tenant's behalf; 24 CFR 966.56 (b)(2)
  - 3. The right to a private hearing unless the tenant requests a public hearing; 24 CFR 966.56 (b)(3)
  - 4. The right to present evidence and arguments in support of his or her complaint, to object to irrelevant evidence and request that such evidence be excluded, and to confront and cross-examine all witnesses on whose testimony or information the Authority or project management relies; and 24 CFR 966.56 (b)(4)

5. A decision based solely and exclusively upon the facts presented at the hearing. 24 CFR 966.56 (c)
- C. The hearing officer/hearing panel may render a decision without holding the hearing if the hearing officer/hearing panel determines that an identical or similar issue has been previously decided in another proceeding. 24 CFR 966.56 (c)
- D. If the tenant or the Housing Authority fails to appear at a scheduled Hearing, the Hearing Officer may make a determination whether to postpone the hearing for period not to exceed five (5) business days, or whether the party, by not appearing, has waived his or her right to a Hearing. The hearing shall not be postponed because of a failure of a witness to appear, unless there has been an exceptionally good cause shown and in such case the hearing shall not be postponed more than five (5) business days. The Hearing Officer may also determine that the hearing may proceed in the absence of either party if counsel or the authorized representative of both parties so agree. Both the Housing Authority and the tenant shall be notified of the determination provided that, if a tenant has waived his or her right to a Hearing, this shall not constitute a waiver of any right the tenant may have to contest the Housing Authority's disposition of the grievance in an appropriate judicial proceeding. 24 CFR 966.56 (d)
- E. At the hearing, the tenant must first show that he or she is entitled to the relief sought after which the Housing Authority must justify the action or failure to act in the matter against which the grievance is directed. 24 CFR 966.56 (e)
- F. The hearing shall be conducted informally by the hearing officer/hearing panel and oral or documentary evidence pertinent to the facts and issues mentioned in the complaint may be received without regard to admissibility under the rules of evidence applicable in judicial proceedings. 24 CFR 066.56 (f)
- G. The hearing officer/hearing panel shall require the Authority, the tenant, tenant's counsel and other participants or spectators to conduct themselves in an orderly fashion.
- H. Failure to comply with the hearing officer's/hearing panel's call for order may result in removal of the offending person from the proceedings, termination of the hearing, or the entry of judgement by default against the offending person.
- I. The tenant or the Authority may arrange in advance, and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested person may purchase a copy of the transcript.
- J. Accommodation of Persons with Disabilities
  1. The Housing Authority will take steps to insure that reasonable accommodation for persons with disabilities is provided so that participation in any hearing is possible. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations or attendants.
  2. If the tenant is visually impaired any notice which is required under this Grievance Procedure, must be in an accessible format. 24 CFR 966.56 (h)(2)

## **XI. DECISION OF HEARING OFFICER/HEARING PANEL**

- A. The hearing officer/hearing panel will prepare a written decision, including an explanation of the reasons for the decision, within thirty (30) days after the hearing.

- B. A copy of the decision will be sent to the tenant and the Authority at the same time. The Authority shall retain a copy of the decision in the tenant's folder.
- C. A copy of the decision, with all names and identifying references deleted, will also be maintained on file by the Authority and made available for inspection by a prospective tenant, his or her representative or the hearing officer/hearing panel.
- D. The decision of the hearing officer/hearing panel will be binding on the Authority which will take all actions, or refrain from any actions, necessary to carry out the decision unless the Housing Authority Board of Commissioners determines within thirty (30) days, and promptly notifies the complainant of his/her determination, that:
  - 1. The grievance does not concern any act or failure to act on the part of the Authority involving the tenant's lease or Authority regulations which adversely affect the tenant's rights, duties, welfare or status; or
  - 2. The decision of the hearing officer/hearing panel is contrary to applicable Federal, State and/or Local law, HUD regulations or requirements of the Annual Contributions Contract between the Department of Housing and Urban Development and the Housing Authority.
- E. A decision by the hearing officer/hearing panel or Housing Authority Board of Commissioners in favor of the Authority, or which denies the relief requested by the tenant in whole or in part, does not waive or affect any rights the tenant may have to a trial de nova or judicial review in any judicial proceedings, which may be filed in the future.