PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011

1.0 **PHA Information**
PHA Name: Housing Authority of the County of San Joaquin PHA Code: CA024
PHA Type: ☐ Small ☒ High Performing ☐ Standard ☐ HCV (Section 8)
PHA Fiscal Year Beginning: 10/2009

2.0 **Inventory** (based on ACC units at time of FY beginning in 1.0 above)
Number of PH units: 1068 Number of HCV units: 4871

3.0 **Submission Type**
☐ 5-Year and Annual Plan ☒ Annual Plan Only ☐ 5-Year Plan Only

4.0 **PHA Consortia** ☐ PHA Consortia: (Check box if submitting a joint Plan and complete table below.)

Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program	
				PH	HCV
PHA 1:					
PHA 2:					
PHA 3:					

5.0 **5-Year Plan.** Complete items 5.1 and 5.2 only at 5-Year Plan update.

5.1 **Mission.** State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years:

"The Housing Authority of the County of San Joaquin is dedicated to providing and advocating for affordable, attractive, safe living environments and opportunities to become self-sufficient for individuals and families that are hard to house."

5.2 **Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. **N/A**

6.0 **PHA Plan Update**

(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission: Eligibility, Selection and Admissions Policies, Operation and Management, Fiscal Year Audit, Asset Management.

(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.: Main administrative office of the PHA – 448 South Center St., Stockton, CA 95201 PHA development management offices: (1) Conway Homes: 741 Flint Avenue, Stockton CA 95206 (2) Sierra Vista Homes: 2436 Belleview Street, Stockton, CA 95206 (3) Thornton Homes: 26188 North Manor Drive, Thornton, CA 95686 (4) Tracy Homes: 311 West Street, Tracy, CA 95376

7.0 **Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.** *Include statements related to these programs as applicable.*

8.0 **Capital Improvements.** Please complete Parts 8.1 through 8.3, as applicable.

8.1 **Capital Fund Program Annual Statement/Performance and Evaluation Report.** As part of the PHA 5-Year and Annual Plan, annually complete and submit the *Capital Fund Program Annual Statement/Performance and Evaluation Report*, form HUD-50075.1, for each current and open CFP grant and CFFP financing.

8.2 **Capital Fund Program Five-Year Action Plan.** As part of the submission of the Annual Plan, PHAs must complete and submit the *Capital Fund Program Five-Year Action Plan*, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.

8.3 **Capital Fund Financing Program (CFFP).**
☐ Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements. **N/A**

9.0 **Housing Needs**. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. **N/A**

9.1	**Strategy for Addressing Housing Needs**. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan. N/A**
10.0	**Additional Information**. Describe the following, as well as any additional information HUD has requested. (a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan. **N/A** (b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification" **N/A**

11.0	**Required Submission for HUD Field Office Review**. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. **Note:** Faxed copies of these documents will not be accepted by the Field Office. (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights) (b) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only) (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* (PHAs receiving CFP grants only) (d) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only) (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* (PHAs receiving CFP grants only) (f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. (g) Challenged Elements (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only) (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only)

6.0 **PHA Plan Update**
(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission: Eligibility, Selection and Admissions Policies, Operation and Management, Fiscal Year Audit, Asset Management.

Public Housing

(2)Waiting List Organization

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)
☒ Community-wide list
☐ Sub-jurisdictional lists
☒ Site-based waiting lists
☐ Other (describe)

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

1. How many site-based waiting lists will the PHA operate in the coming year? 5

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? 2

3. ☒ Yes ☐ No: May families be on more than one list simultaneously
If yes, how many lists? **5**

(3) Assignment

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

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

The Public Housing Admissions and Continued Occupancy Plan and the HCV Administrative Plan were both updated to reflect a change in HUD guidance on the use of up-front income verification (UIV) information to project income. HUD is in the process of developing new guidance on verification. It is also in the process of finalizing a rule on income and rent. We will review our policies in these areas again after the final rule and the guidance are issued.

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8.

8. Demolition and Disposition

[24 CFR Part 903.7 9 (h)]

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

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

2. Activity Description

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

Demolition/Disposition Activity Description
1a. Development name: Sierra Vista Homes 1b. Development (project) number: CA024001
2. Activity type: Demolition ☒ Disposition ☐
3. Application status (select one) Approved ☐ Submitted, pending approval ☐ Planned application ☒
4. Date application approved, submitted, or planned for submission: 05/15/06
5. Number of units affected: 330 6. Coverage of action (select one) ☐ Part of the development ☒ Total development
7. Timeline for activity: a. Actual or projected start date of activity: 02/01/10 b. Projected end date of activity: 02/01/12

Statement of Financial Resources

Financial Resources: Planned Sources and Uses		
Sources	**Planned $**	**Planned Uses**
1. **Federal Grants (FY 2005 grants)**		
a) Public Housing Operating Fund	**$3,266,044**	
b) Public Housing Capital Fund	**$2,256,766**	
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	**$30,253,950**	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)		
g) Resident Opportunity and Self-Sufficiency Grants	**$165,333**	
h) Community Development Block Grant	**$0**	
i) Hard to House		
Other Federal Grants (list below)		
Section 8 Admin Fee	**$2,845,100**	
Franco Center Multi-Family Service Coordinator Grant	**$77,148**	
Franco Center	**$522,015**	
Sartini Manor	**$20,303**	
2. Prior Year Federal Grants (unobligated funds only) (list below)		
3. Public Housing Dwelling Rental Income	**$3,381,083**	
4. Other income (list below)		
Interest Income	**$100,209**	
4. Non-federal sources (list below)		
State Migrant Housing Programs	**$1,231,163**	
Total resources	**$44,119,114**	

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PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the PHA 5-*Year and Annual* PHA Plan

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the___ 5-Year and/or2009 Annual PHA Plan for the PHA fiscal year beginning 10/1/2009, hereinafter referred to as" the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
   - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
   - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
   - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
   - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
   - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.

12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
    (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
    (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
    (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

Housing Authority of the County of San Joaquin	CA024
PHA Name	PHA Number/HA Code

X 5-Year PHA Plan for Fiscal Years 2005 - 2009

X Annual PHA Plan for Fiscal Years 20009

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Barbara S. Kauss	Executive Director
Signature: Barbara S Kauss	Date: 07/13/09

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Housing Authority of the County of San Joaquin

Program/Activity Receiving Federal Grant Funding

Public Housing

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

1. 448 S. Center Street Stockton, CA 95203
2. 421 S. El Dorado Street Stockton, CA 95203
2. 2436 S. Belleview Street Stockton, CA 95206
3. 741 Flint Ave Stockton, CA 95206
4. 26188 N. Manor Drive Thornton, CA 95686
5. 311 West Street Tracy, CA 95376

Check here [ ] if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Barbara Kauss	Executive Director
Signature: X Barbara Kauss	Date: 07/13/09

form **HUD-50070** (3/98)
ref. Handbooks 7417.1, 7475.13, 7485.1 & .3

OMB Approval No. 2577-0157 (Exp. 3/31/2010)

Certification of Payments to Influence Federal Transactions

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

Applicant Name

Housing Authority of the County of San Joaquin

Program/Activity Receiving Federal Grant Funding

Public Housing

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Barbara Kauss	Executive Director
Signature	**Date (mm/dd/yyyy)**
Barbara S Kauss	07/13/09

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
[b] a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
[b] a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
[a] a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
[x] Prime [ ] Subawardee
Tier _____, *if known*:
Housing Authority of the County of
San Joaquin
P. O. Box 447
Stockton, CA 95201
Congressional District, *if known*: CA-18

5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:

Congressional District, *if known*:

6. Federal Department/Agency:
Department of Housing and Urban Development

7. Federal Program Name/Description:
Public Housing Capital Fund Program Grant
CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:
CA30P02450109

9. Award Amount, *if known*:
$ $2,256,766.00

10. a. Name and Address of Lobbying Registrant
(*if individual, last name, first name, MI*):
None

b. Individuals Performing Services (*including address if different from No. 10a*)
(*last name, first name, MI*):
None

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: Barbara Kauss
Print Name: Barbara Kauss
Title: Executive Director
Telephone No.: 209-460-5065 Date: 07/13/09

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Standard Form LLL (Rev. 7-97)

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: Housing Authority of the County of San Joaquin **Page** 1 **of** 1

None

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Standard Form - LLL-A

Resident Advisory Board Membership - 2009

NAME	REPRESENTS
DEBORAH GURLEY	Sierra Vista Development
VIRGINIA MALONEY	Sierra Vista Development
THOW THOEUNG	Sierra Vista Development
SHELLEY LOPES	Thornton Development
LEROY HAWKINS	Tracy Development
BONITA PEREZ	Tracy Development
TIFFANY GAINES	Tracy Development
DAWN ANDERSON	Conway Development
THERESA SANTOYA	Conway Development

Resident Advisory Board

Comments on the Housing Authority's Annual PHA Plan for 2009

The Resident Advisory Board is in agreement with the Mission, Goals and Objectives as outlined in the Housing Authority's Annual PHA Plan for 2009.

Amendments to the Authority's Admissions and Continued Occupancy Policy for Public Housing and the Administrative Plan for the Housing Choice Voucher Program (HCVP):

The Resident Advisory Board supports the amendments to the Occupancy Policy for Public Housing and the Administrative Plan for HCVP. We have the following comments and observations regarding the changes:

- Incorporate requirements of HUD's Final Rule for Income and Rent Determination in Public and Assisted Housing Programs
    - "Agree with the reasoning which would probably assist the eligibility worker to process the paper work quicker and less paper work"
    - "I agree that all points outlined for the Final Rule are reasonable and should be followed."
    - "Disagree – why have Social Security for the whole families, the kids are so young just getting into the world".
    - "I agree with the change for Rent Determine Requirements".

- Waiting List Organization – Change from 2 site-based waiting lists to 5
    - "I agree with the reason on waiting list organization for change". "100% agree".
    - "I think this change is good because someone may only want to move into Conway and not Sierra Vista or vice versa and they won't be offered something they don't want (site-wise) so they won't be bumped to the bottom of the list or removed."
    - "Agree".

- Vacant Unit Changes: Applicant given two (rather than three) vacant unit choices before being removed from the waiting list
    - "I agree with the change".
    - "Agree with the reasoning"

- "I think two choices is adequate as long as it's in the housing development desired by potential occupant".
- "This way everybody will have a chance to move up on the list in reasonable time".
- "I disagree. It's not fair because you might don't like the people live next, may be hard to get along with".

- Family Self Sufficiency: ITSP members must attend the annual and interim appointments.

  - "I agree"
  - "I fell this is reasonable, the representative has always been willing to work with me and has always been very accommodating when scheduling changes".
  - "I agree"

- Capital Fund Budget

  - The Resident Advisory Board, overall, supports the plans for the upcoming year for capital fund projects.

Analysis of Recommendations:

The comments received by the RAB were mostly favorable to the plans and changes to the Annual PHA Plan and PHA Policies. No recommendations for changes to the Plans were requested by the RAB.

Housing Authority of the County of San Joaquin

2009 PHA Agency Plan

Challenged Elements

There were no “Challenged Elements of this year’s PHA Plan

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450109 Replacement Housing Factor Grant No: Date of CFFP: _____	2009 **FFY of Grant Approval:** 2009

Type of Grant
☒ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☐ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost [1]	
		Original	Revised [2]	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) [3]				
3	1408 Management Improvements	140,000.00			
4	1410 Administration (may not exceed 10% of line 21)	225,677.00			
5	1411 Audit	2,500.00			
6	1415 Liquidated Damages				
7	1430 Fees and Costs	0.00			
8	1440 Site Acquisition				
9	1450 Site Improvement	616,497.00			
10	1460 Dwelling Structures	969,251.00			
11	1465.1 Dwelling Equipment—Nonexpendable	22,570.00			
12	1470 Non-dwelling Structures	30,000.00			
13	1475 Non-dwelling Equipment	115,271.00			
14	1485 Demolition	135,000.00			
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities [4]				
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 – 19)	2,256,766.00			
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security – Soft Costs				
24	Amount of line 20 Related to Security – Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				

[1] To be completed for the Performance and Evaluation Report.
[2] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[3] PHAs with under 250 units in management may use 100% of CFP Grants for operations.
[4] RHF funds shall be included here.

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450109 Replacement Housing Factor Grant No: Date of CFFP: _____	2009 **FFY of Grant Approval:** 2009

Type of Grant
☑ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☐ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost [1]	
		Original	Revised [2]	Obligated	Expended

Signature of Executive Director	Date	Signature of Public Housing Director	Date

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450109 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2009

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
PHA-Wide	Community Policing Program	1408		120,000.00				ongoing
	Staff Training			10,000.00				ongoing
	Resident Initiatives Team			10,000.00				ongoing
PHA-Wide	Non-Technical Salaries	1410		57,974.00				ongoing
	Technical Salaries			100,000.00				ongoing
	Sundry Costs			67,703.00				ongoing
PHA-Wide	Audit	1411		2,500.00				ongoing
Sierra Vista	Site improvements-tree trimming,	1450		114,000.00				planning phase
CA024000241	concrete repairs, resurface streets							
	Dwelling Structures-HVAC replace.,	1460		330,000.00				planning phase
	interior painting, roof repairs							
	Dwelling Equipment	1465		8,272.00				planning phase
	Non-Dwelling Structures-office and	1470		30,000.00				planning phase
	multi-purpose room repairs							
	Demolition	1485		135,000.00				planning phase

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450109 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2009

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
Diablo Homes	Site Improvements-tree trimming,	1450		32,089.00				planning phase
CA024000242	landscape improvement,							
	Dwelling Structures-bath/kitchen	1460		390,203.00				planning phase
	remodel, water lines, window repl.							
	Dwelling Equipment	1465		4,095.00				ongoing
Mokelumne Manor	Site Improvements-shade covers,	1450		70,408.00				planning phase
CA02400243	benches, sewage pond treatments							
	Dwelling Structures-roof repairs	1460		3,000.00				ongoing
	Dwelling Equipment	1465		1,050.00				ongoing
Conway Homes	Site Improvements-concrete repairs	1450		400,000.00				planning phase
CA024000244								
	Dwelling Structures-bathroom and	1460		246,048.00				planning phase
	kitchen remodel							
	Dwelling Equipment	1465		9,153.00				planning phase
PHA -Wide	Non-Dwelling Equipment-upgrade	1475		115,271.00				planning phase
	phone system, playground equipment							

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name:					**Federal FFY of Grant:**
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Part III: Implementation Schedule for Capital Fund Financing Program

PHA Name: Housing Authority of the County of San Joaquin					**Federal FFY of Grant:** 2009
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Capital Fund Program—Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/20011

Part I: Summary

PHA Name/Number	Locality (City/County & State)	☒ **Original 5-Year Plan** ☐ **Revision No:**

A.	Development Number and Name	Work Statement for Year 1 FFY 2009	Work Statement for Year 2 FFY 2010	Work Statement for Year 3 FFY 2011	Work Statement for Year 4 FFY 2012	Work Statement for Year 5 FFY 2013
B.	Physical Improvements Subtotal	Annual Statement	$1,663,318.00	$1,496,318.00	$1,463,318.00	$1,448,318.00
C.	Management Improvements		$140,000.00	$137,000.00	$135,000.00	$135,000.00
D.	PHA-Wide Non-dwelling Structures and Equipment		$90,271.00	$90,271.00	$90,271.00	$90,271.00
E.	Administration		$225,677.00	$225,677.00	$225,677.00	$225,677.00
F.	Other		$2,500.00	$2,500.00	$2,500.00	2,500.00
G.	Operations					
H.	Demolition		$135,000.00	$305,000.00	$340,000.00	$355,000.00
I.	Development					
J.	Capital Fund Financing – Debt Service					
K.	Total CFP Funds		$2,256,766.00	$2,256,766.00	$2,256,766.00	$2,256,766.00
L.	Total Non-CFP Funds					
M.	Grand Total		$2,256,766.00	$2,256,766.00	$2,256,766.00	$2,256,766.00

Part I: Summary (Continuation)

PHA Name/Number	Locality (City/county & State)	☒ **Original 5-Year Plan** ☐ **Revision No:**

	Development Number and Name	Work Statement for Year 1 FFY _____	Work Statement for Year 2 FFY _____	Work Statement for Year 3 FFY _____	Work Statement for Year 4 FFY _____	Work Statement for Year 5 FFY _____
		Annual Statement				

Part II: Supporting Pages – Physical Needs Work Statement(s)

Work Statement for Year 1 FFY 2009	Work Statement for Year 2 FFY 2010			Work Statement for Year: 3 FFY 2011		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See	CA024000241/Sierra Vista Homes-		$623,286.00	CA024000241/Sierra Vista Homes-		$282,272.00
Annual	ADA & landscape improve, walkways,			security improvements, tree trimming,		
Statement	concrete repairs, interior painting			fence repairs, resurface streets		
	CA024000242/Diablo Homes-		$292,569.00	CA024000242/Diablo Homes-		$491,583.00
	tree trimming, landscape improvements,			sewer lines, floor replacement,		
	stucco repairs, bathroom and			interior and exterior painting, security		
	kitchen remodel			door replacement		
	CA024000243/Mokelumne Manor-		$74,458.00	CA024000243/Mokelumne Manor-		$74,458.00
	street repairs, wrought iron fence, roof			street repairs, wrought iron fence, roof		
	repairs			repairs		
	CA024000244/Conway Homes-		$648,005.00	CA024000244/Conway Homes-		$648,005.00
	concrete repairs, bathroom and			bathroom and kitchen remodel		
	kitchen remodel					
	Subtotal of Estimated Cost		$ 1,638,318.00	Subtotal of Estimated Cost		$ 1,496,318.00

Part II: Supporting Pages – Physical Needs Work Statement(s)

Work Statement for Year 1 FFY _____	Work Statement for Year 4 FFY 2012			Work Statement for Year: 5 FFY 2013		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See	CA024000241/Sierra Vista Homes-		$202,272.00	CA024000241/Sierra Vista Homes-		$187,272.00
Annual	tree trimming, resurface streets, landscape			tree trimming, fence repairs, landscape		
Statement	improvements, interior painting			improvements, roof repairs		
	CA024000242/Diablo Homes-		$538,583.00	CA024000242/Diablo Homes-		$538,583.00
	sewer lines, tree trimming, landscape			water lines, tree trimming, landscape		
	improvements, bathroom & kitchen remodel			improvements, bathroom & kitchen remodel		
	CA024000243/Mokelumne Manor-		$74,458.00	CA024000243/Mokelumne Manor-		$74,458.00
	tree trimming, roof repairs, wood fence			tree trimming, roof repairs, wooden fence		
	replacements			replacements, sewage pond treatment		
	CA024000244/Conway Homes-		$648,005.00	CA024000244/Conway Homes-		$648,005.00
	bathroom and kitchen remodel			roof repairs, bathroom and kitchen remodel		
	Subtotal of Estimated Cost		$ 1,463,318.00	Subtotal of Estimated Cost		$ 1,448,318.00

Part III: Supporting Pages – Management Needs Work Statement(s)

Work Statement for Year 1 FFY _____	Work Statement for Year 2 FFY 2010		Work Statement for Year: 3 FFY 2011	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See	Management Improvements-	$140,000.00	Management Improvements-	$137,000.00
Annual	Community policing program, staff training, resident		community policing program, staffing training, resident	
Statement	initiatives team		initiatives team	
	Administration-	$225,677.00	Administration-	$225,677.00
	Non-technical and technical salaries, sundry costs		non-technical and technical salaries, sundry costs	
	Audit	$2,500.00	Audit	$2,500.00
	Non-Dwelling Structures and Equipment-	$115,271.00	Non-Dwelling Structures and Equipment-	$90,271.00
	Upgrade phone system, playground equipment		computer network	
	Demolition	$135,000.00	Demolition	$305,000.00
	Subtotal of Estimated Cost	$ 618,448.00	Subtotal of Estimated Cost	$ 760,448.00

Part III: Supporting Pages – Management Needs Work Statement(s)

Work Statement for Year 1 FFY _____	Work Statement for Year 4 FFY 2012		Work Statement for Year: 5 FFY 2013	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See	Management Improvements-	$135,000.00	Management Improvements-	$135,000.00
Annual	community policing program, staffing training, resident		community policing program, staffing training, resident	
Statement	initiatives team		initiatives team	
	Administration-	$225,677.00	Administration-	$225,677.00
	non-technical and technical salaries, sundry costs		non-technical and technical salaries, sundry costs	
	Audit	$2,500.00	Audit	$2,500.00
	Non-Dwelling Structures and Equipment-	$90,271.00	Non-Dwelling Structures and Equipment-	$90,271.00
	computer network		computer network	
	Demolition	$340,000.00	Demolition	$355,000.00
	Subtotal of Estimated Cost	$ 793,448.00	Subtotal of Estimated Cost	$ 808,448.00

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450105 Replacement Housing Factor Grant No: Date of CFFP: _____	2005 **FFY of Grant Approval:** 2005

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☒ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost [1]	
		Original	Revised [2]	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) [3]				
3	1408 Management Improvements	454,200.00	337,788.00	337,788.00	32,826.17
4	1410 Administration (may not exceed 10% of line 21)	247,780.00	248,894.00	248,894.00	18,653.99
5	1411 Audit	1,500.00	1,500.00	1,500.00	1,500.00
6	1415 Liquidated Damages				
7	1430 Fees and Costs	231,000.00	114,956.00	114,956.00	34,153.32
8	1440 Site Acquisition				
9	1450 Site Improvement	75,696.00	590,802.00	590,802.00	75,696.00
10	1460 Dwelling Structures	390,377.00	1,015,000.00	1,015,000.00	148,110.11
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures	0.00	30,000.00	30,000.00	
13	1475 Non-dwelling Equipment	213,387.00	150,000.00	150,000.00	12,966.43
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities [4]				
18a	1501 Collateralization or Debt Service paid by the PHA	875,000.00	0.00	0.00	0.00
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 – 19)	2,488,940.00	2,488,940.00	2,488,940.00	323,906.02
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security – Soft Costs				
24	Amount of line 20 Related to Security – Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				

[1] To be completed for the Performance and Evaluation Report.
[2] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[3] PHAs with under 250 units in management may use 100% of CFP Grants for operations.
[4] RHF funds shall be included here.

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450105 Replacement Housing Factor Grant No: Date of CFFP: _____	2005 **FFY of Grant Approval:** 2005

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☑ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost [1]	
		Original	Revised [2]	Obligated	Expended

Signature of Executive Director	Date	Signature of Public Housing Director	Date

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450105 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2005

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
PHA-Wide	Program Service Coordinator	1408		0.00	63,588.00	63,588.00	6,564.89	
	Security Patrols and Monitoring			75,000.00	75,000.00	75,000.00	13,995.28	
	Community Policing Program			200,000.00	0.00	0.00	0.00	
	MIS Staff Person/Consultant			35,000.00	55,000.00	55,000.00	0.00	
	Staff Training			41,200.00	41,200.00	41,200.00	8,131.08	
	Resident Initiatives "Team"			20,600.00	20,600.00	20,600.00	4,116.00	
	HR Department Implementation			20,600.00	20,600.00	20,600.00	0.00	
	Computer Software License			61,800.00	61,800.00	61,800.00	18.92	
PHA-Wide	Non-Technical Salaries	1410		46,350.00	47,464.00	47,464.00	0.00	
	Technical Salaries			84,460.00	84,460.00	84,460.00	8,451.91	
	Benefits			59,740.00	59,740.00	59,740.00	2,552.84	
	Advertisting			6,180.00	6,180.00	6,180.00	0.00	
	Sundry Costs			36,050.00	36,050.00	36,050.00	7,649.24	
	Travel			15,000.00	15,000.00	15,000.00	0.00	
PHA-Wide	Audit	1411		1,500.00	1,500.00	1,500.00	1,500.00	
PHA-Wide	Architectural/Engineering Fees	1430		126,000.00	39,956.00	39,956.00	0.00	
	Permit/Consultant Fees			94,500.00	70,000.00	70,000.00	34,153.32	

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450105 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2005

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
PHA-Wide	Sundry Planning	1430		10,500.00	5,000.00	5,000.00	0.00	ongoing
CA 24-01	Site Improvements	1450		32,234.00	150,000.00	150,000.00	39,371.00	ongoing
Sierra Vista	Dwelling Structures	1460		100,000.00	450,000.00	450,000.00	65,196.31	ongoing
Homes								
CA-24-02	Site Improvements	1450		5,862.00	65,000.00	65,000.00	0.00	ongoing
Tracy Homes	Dwelling Structures	1460		61,538.00	55,000.00	55,000.00	1,963.98	ongoing
	Non-Dwelling Structures	1470		0.00	15,000.00	15,000.00	0.00	ongoing
CA 24-3A	Site Improvements	1450		3,907.00	6,755.00	6,755.00	0.00	ongoing
Mokelumne Manor	Dwelling Structures	1460		0.00	15,000.00	15,000.00	0.00	ongoing
CA 24-3B	Site Improvements	1450		976.00	6,755.00	6,755.00	0.00	ongoing
Mokelumne	Dwelling Structures	1460		0.00	15,000.00	15,000.00	0.00	ongoing
Manor								
CA 24-04-1	Site Improvements	1450		0.00	17,292.00	17,292.00	4,500.00	ongoing
Sierra Vista Annex	Dwelling Structures	1460		6,251.00	50,000.00	50,000.00	35,835.02	ongoing

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450105 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2005

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
CA 24-04-2	Site Improvements	1450		0.00	150,000.00	150,000.00	0.00	ongoing
Conway Annex	Dwelling Structures	1460		0.00	180,000.00	180,000.00	14,592.38	ongoing
	Non-Dwelling Structures	1470		0.00	15,000.00	15,000.00	0.00	ongoing
CA 24-05	Site Improvements	1450		5,860.00	15,000.00	15,000.00	3,262.50	ongoing
Diablo Homes	Dwelling Structures	1460		61,538.00	40,000.00	40,000.00	16,406.45	ongoing
CA 24-06	Site Improvements	1450		19,534.00	150,000.00	150,000.00	25,300.00	ongoing
Conway Homes	Dwelling Structures	1460		84,126.00	180,000.00	180,000.00	11,650.38	ongoing
CA 24-07	Site Improvements	1450		3,906.00	15,000.00	15,000.00	3,262.50	ongoing
Burton Homes	Dwelling Structures	1460		41,026.00	15,000.00	15,000.00	1,319.93	ongoing
CA 24-09	Site Improvements	1450		3,417.00	15,000.00	15,000.00	0.00	ongoing
Krafft Homes	Dwelling Structures	1460		35,898.00	15,000.00	15,000.00	1,145.66	ongoing
PHA-Wide	Computer Network	1475		61,800.00	67,000.00	67,000.00	996.05	ongoing
	Computer Software Upgrade			103,000.00	53,000.00	53,000.00	0.00	ongoing
	Upgrade Phone Sys County Wide			28,587.00	10,000.00	10,000.00	8,840.00	ongoing

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450105 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2005

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
PHA-Wide	Shop Equipment	1475		15,000.00	15,000.00	15,000.00	3,130.38	ongoing
	Furniture			5,000.00	5,000.00	5,000.00	0.00	ongoing
PHA-Wide	Collaterization - Debt Service	1501		875,000.00	0.00	0.00	0.00	

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450106 Replacement Housing Factor Grant No: Date of CFFP: _____	2006 **FFY of Grant Approval:** 2006

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☒ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	**Summary by Development Account**	**Total Estimated Cost**		**Total Actual Cost** [1]	
		Original	**Revised** [2]	**Obligated**	**Expended**
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) [3]				
3	1408 Management Improvements	434,593.00			
4	1410 Administration (may not exceed 10% of line 21)	217,296.00			
5	1411 Audit	1,500.00			
6	1415 Liquidated Damages				
7	1430 Fees and Costs	245,500.00			
8	1440 Site Acquisition				
9	1450 Site Improvement	104,178.00			
10	1460 Dwelling Structures	80,847.00			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures	23,332.00			
13	1475 Non-dwelling Equipment	190,271.00			
14	1485 Demolition	875,000.00			
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities [4]				
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 – 19)	2,172,967.00			
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security – Soft Costs	255,393.00			
24	Amount of line 20 Related to Security – Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				

[1] To be completed for the Performance and Evaluation Report.
[2] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[3] PHAs with under 250 units in management may use 100% of CFP Grants for operations.
[4] RHF funds shall be included here.

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450106 Replacement Housing Factor Grant No: Date of CFFP: _____	2006 **FFY of Grant Approval:** 2006

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☑ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	**Summary by Development Account**	**Total Estimated Cost**		**Total Actual Cost** [1]	
		Original	**Revised** [2]	**Obligated**	**Expended**

Signature of Executive Director	**Date**	**Signature of Public Housing Director**	**Date**

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450106 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2006

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
PHA-Wide	Management Improvements	1408		434,593.00				
PHA-Wide	Administration	1410		217,296.00				
PHA-Wide	Audit	1411		1,500.00				
PHA-Wide	Fees and Costs	1430		245,500.00				
PHA-Wide	Non-Dwelling Equipment	1475		190,721.00				
Sierra Vista	Site Improvements	1450		13,099.00				
CA024000241	Non-Dwelling Structures	1470		13,099.00				
	Demolition	1485		875,000.00				
Diablo Homes	Site Improvements	1450		39,911.00				
CA024000242	Dwelling Structures	1460		39,912.00				
Mokelumne Manor	Site Improvements	1450		10,233.00				
CA024000243	Non-Dwelling Structures	1460		10,233.00				

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450106 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2006

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
Conway Homes	Site Improvements	1450		40,935.00				
CA024000244	Dwelling Structures	1460		40,935.00				

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name:					**Federal FFY of Grant:**
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name:					**Federal FFY of Grant:**
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450206 Replacement Housing Factor Grant No: Date of CFFP: _____	2007 **FFY of Grant Approval:** 2007

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☒ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	**Summary by Development Account**	**Total Estimated Cost**		**Total Actual Cost** [1]	
		Original	**Revised** [2]	**Obligated**	**Expended**
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) [3]				
3	1408 Management Improvements	12,839.00	0.00		
4	1410 Administration (may not exceed 10% of line 21)	6,419.80	0.00		
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	6,419.80	0.00		
8	1440 Site Acquisition				
9	1450 Site Improvement		25,385.68		
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment		38,812.32		
14	1485 Demolition	38,519.40	0.00		
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities [4]				
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 – 19)	64,198.00	64,198.00		
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security – Soft Costs				
24	Amount of line 20 Related to Security – Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				

[1] To be completed for the Performance and Evaluation Report.
[2] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[3] PHAs with under 250 units in management may use 100% of CFP Grants for operations.
[4] RHF funds shall be included here.

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450206 Replacement Housing Factor Grant No: Date of CFFP: _____	2007 **FFY of Grant Approval:** 2007

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☑ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	**Summary by Development Account**	**Total Estimated Cost**		**Total Actual Cost** [1]	
		Original	**Revised** [2]	**Obligated**	**Expended**

Signature of Executive Director	**Date**	**Signature of Public Housing Director**	**Date**

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450206 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2007

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
PHA-Wide	Management Improvements	1408		12,839.00	0.00			
PHA-Wide	Administration	1410		6,419.80	0.00			
PHA-Wide	Fees and Costs	1430		6,419.80	0.00			
Mokelumne Manor	Site Improvements-concrete repairs	1450		0.00	25,385.68			
CA024000243	Non-Dwelling Equipment-playground	1475		0.00	38,812.32			
	equipment							
Sierra Vista	Demolition	1485		38,519.40	0.00			
CA024000241								

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450206 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2007

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name:					**Federal FFY of Grant:**
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name:					**Federal FFY of Grant:**
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450107 Replacement Housing Factor Grant No: Date of CFFP: _____	2007 **FFY of Grant Approval:** 2007

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☒ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	**Summary by Development Account**	**Total Estimated Cost**		**Total Actual Cost** [1]	
		Original	**Revised** [2]	**Obligated**	**Expended**
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) [3]				
3	1408 Management Improvements	434,593.00	464,038.00		
4	1410 Administration (may not exceed 10% of line 21)	217,296.00	232,019.00		
5	1411 Audit	1,500.00	1,500.00		
6	1415 Liquidated Damages				
7	1430 Fees and Costs	245,500.00	245,500.00		
8	1440 Site Acquisition				
9	1450 Site Improvement	104,178.00	104,178.00		
10	1460 Dwelling Structures	80,847.00	183,901.00		
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures	23,332.00	23,332.00		
13	1475 Non-dwelling Equipment	190,271.00	190,721.00		
14	1485 Demolition	675,000.00	675,000.00		
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs	200,000.00	200,000.00		
17	1499 Development Activities [4]				
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 – 19)	2,172,967.00	2,320,189.00		
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security – Soft Costs				
24	Amount of line 20 Related to Security – Hard Costs	75,000.00	79,207.00		
25	Amount of line 20 Related to Energy Conservation Measures				

[1] To be completed for the Performance and Evaluation Report.
[2] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[3] PHAs with under 250 units in management may use 100% of CFP Grants for operations.
[4] RHF funds shall be included here.

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450107 Replacement Housing Factor Grant No: Date of CFFP: _____	2007 **FFY of Grant Approval:** 2007

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☑ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	**Summary by Development Account**	**Total Estimated Cost**		**Total Actual Cost** [1]	
		Original	**Revised** [2]	**Obligated**	**Expended**

Signature of Executive Director	**Date**	**Signature of Public Housing Director**	**Date**

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450107 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2007

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
PHA-Wide	Management Improvements	1408		434,593.00	464,038.00			
PHA-Wide	Administration	1410		217,296.00	232,019.00			
PHA-Wide	Audit	1411		1,500.00	1,500.00			
PHA-Wide	Fees and Costs	1430		245,500.00	245,500.00			
PHA-Wide	Non-Dwelling Equipment	1475		190,721.00	190,721.00			
PHA-Wide	Relocation	1495		200,000.00	200,000.00			
Sierra Vista	Site Improvements	1450		8,949.00	8,949.00			
CA024000241	Dwelling Structures	1460		6,945.00	6,945.00			
	Non-Dwelling Structures	1470		2,004.00	2,004.00			
	Demolition	1485		675,000.00	675,000.00			
Diablo Homes	Site Improvements	1450		27,269.00	27,269.00			
CA024000242	Dwelling Structures	1460		21,161.00	72,688.00			

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450107 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2007

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
	Non-Dwelling Structures	1470		6,108.00	6,108.00			
Mokelumne Manor	Site Improvements	1450		6,991.00	6,991.00			
CA024000243	Dwelling Structures	1460		5,426.00	5,426.00			
	Non-Dwelling Structures	1470		1,565.00	1,565.00			
Conway Homes	Site Improvements	1450		60,969.00	60,969.00			
CA024000244	Dwelling Structures	1460		47,315.00	98,842.00			
	Non-Dwelling Structures	1470		13,655.00	13,655.00			

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name:					**Federal FFY of Grant:**
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name:					**Federal FFY of Grant:**
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450108 Replacement Housing Factor Grant No: Date of CFFP: _____	2008 **FFY of Grant Approval:** 2008

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☒ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	**Summary by Development Account**	**Total Estimated Cost**		**Total Actual Cost** [1]	
		Original	**Revised** [2]	**Obligated**	**Expended**
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) [3]				
3	1408 Management Improvements	336,016.00			
4	1410 Administration (may not exceed 10% of line 21)	225,677.00			
5	1411 Audit	2,500.00			
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement	464,727.00			
10	1460 Dwelling Structures	1,100,005.00			
11	1465.1 Dwelling Equipment—Nonexpendable	22,570.00			
12	1470 Non-dwelling Structures	15,000.00			
13	1475 Non-dwelling Equipment	90,271.00			
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities [4]				
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 – 19)	2,256,766.00			
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security – Soft Costs				
24	Amount of line 20 Related to Security – Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				

[1] To be completed for the Performance and Evaluation Report.
[2] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[3] PHAs with under 250 units in management may use 100% of CFP Grants for operations.
[4] RHF funds shall be included here.

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30P02450108 Replacement Housing Factor Grant No: Date of CFFP: _____	2008 **FFY of Grant Approval:** 2008

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☑ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	**Summary by Development Account**	**Total Estimated Cost**		**Total Actual Cost** [1]	
		Original	**Revised** [2]	**Obligated**	**Expended**

Signature of Executive Director	**Date**	**Signature of Public Housing Director**	**Date**

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450108 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2008

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
PHA-Wide	Management Improvements	1408		336,016.00				
PHA-Wide	Administration	1410		225,677.00				
PHA-Wide	Audit	1411		2,500.00				
Sierra Vista	Site Improvements-tree trimming,	1450		263,962.00				
CA024000241	security improvemts, concrete repairs							
	Dwelling Structures-roof repairs,	1460		299,576.00				
	interior painting, HVAC replacements							
	Dwelling Equipment	1465		8,272.00				
	Non-Dwelling Structures-day care	1470		15,000.00				
	facility repairs							
Diablo Homes	Site Improvements-tree trimming,	1450		16,726.00				
CA024000242	landscape improvements							
	Dwelling Structures-bathroom/kitchen	1460		270,943.00				
	remodel, window replacements,							
	Dwelling Equipment	1465		4,095.00				

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30P02450108 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2008

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
Mokelumne Manor	Site Improvements-sewage pond	1450		70,408.00				
CA024000243	treatment, shade covers, benches							
	Dwelling Structures-roof repairs	1460		3,000.00				
	Dwelling Equipment	1465		1,050.00				
Conway Homes	Site Improvements-ADA & landscape	1450		113,631.00				
CA024000244	improvements							
	Dwelling Structures-bathroom/kithcen	1460		526,486.00				
	remodel, install grease shields, GFCI							
	Dwelling Equipment	1465		9,153.00				
PHA-Wide	Non-Dwelling Equipment-upgrade	1475		90,271.00				
	phone system							

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name:					**Federal FFY of Grant:**
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name:					**Federal FFY of Grant:**
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30S02450109 Replacement Housing Factor Grant No: Date of CFFP: _____	2009 **FFY of Grant Approval:** 2009

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☒ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	**Summary by Development Account**	**Total Estimated Cost**		**Total Actual Cost** [1]	
		Original	**Revised** [2]	**Obligated**	**Expended**
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) [3]				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)	285,662.00			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	252,500.00			
8	1440 Site Acquisition	2,318,458.00			
9	1450 Site Improvement				
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities [4]				
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 – 19)	2,856,620.00			
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security – Soft Costs				
24	Amount of line 20 Related to Security – Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				

[1] To be completed for the Performance and Evaluation Report.
[2] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[3] PHAs with under 250 units in management may use 100% of CFP Grants for operations.
[4] RHF funds shall be included here.

Part I: Summary

PHA Name:	**Grant Type and Number**	**FFY of Grant:**
Housing Authority of the County of San Joaquin	Capital Fund Program Grant No: CA30S02450109 Replacement Housing Factor Grant No: Date of CFFP: _____	2009 **FFY of Grant Approval:** 2009

Type of Grant
☐ **Original Annual Statement** ☐ **Reserve for Disasters/Emergencies** ☐ **Revised Annual Statement (revision no:)**
☑ **Performance and Evaluation Report for Period Ending:** ☐ **Final Performance and Evaluation Report**

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost [1]	
		Original	Revised [2]	Obligated	Expended

Signature of Executive Director	Date	Signature of Public Housing Director	Date

Part II: Supporting Pages

PHA Name: Housing Authority of the County of San Joaquin	**Grant Type and Number** Capital Fund Program Grant No: CA30S02450109 CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2009

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	
Sierra Vista	Administration	1410		285,662.00				
CA024000241								
	Fees & Costs	1430		252,000.00				
	Site Acquisition-purchase new	1440		2,318,458.00				
	properties							

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages

PHA Name:	**Grant Type and Number** Capital Fund Program Grant No: CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:**

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds Obligated [2]	Funds Expended [2]	

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name:					**Federal FFY of Grant:**
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name:					**Federal FFY of Grant:**
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

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Chapter 1
OVERVIEW OF THE PROGRAM AND PLAN

INTRODUCTION

The Housing Authority of the County of San Joaquin (Housing Authority) receives its operating subsidy for the public housing program from the Department of Housing and Urban Development. The Housing Authority is not a federal department or agency. A public housing agency is a governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. The Housing Authority enters into an Annual Contributions Contract with HUD to administer the public housing program. The Housing Authority must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation.

This chapter contains information about the Housing Authority and its programs with Housing Authority on the public housing program. It also contains information about the purpose, intent and use of the plan and guide.

There are three parts to this chapter:

> Part I: The Public Housing Agency (Housing Authority). This part includes a description of the Housing Authority, its jurisdiction, its programs, and its mission and intent.
>
> Part II: The Public Housing Program. This part contains information about public housing operation, roles and responsibilities, and partnerships.
>
> Part III: The Admissions and Continued Occupancy (ACOP). This part discusses the purpose and organization of the plan and its revision requirements.

PART I: THE HOUSING AUTHORITY

1-I.A. OVERVIEW

This part describes the Housing Authority's creation and authorization, the general structure of the organization, and the relationship between the Housing Authority Board and staff.

1-I.B. ORGANIZATION AND STRUCTURE OF THE HOUSING AUTHORITY

Public housing is funded by the federal government and administered by the **Housing Authority of the County of San Joaquin** for the jurisdiction of **San Joaquin County.**

The Housing Authority is governed by a board of officials that are generally called "Commissioners." Although some Housing Authority may use a different title for their officials, this document will hitherto refer to the "Board of Commissioners" or the "Board" when discussing the board of governing officials.

Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation. The Board of Commissioners establishes policies under which the Housing Authority conducts business, and ensures that those policies are followed by Housing Authority staff. The Board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability and success. Chris Harvey [Chris.Harvey@goodwillnne.org]
Formal actions of the Housing Authority are taken through written resolutions, adopted by the board and entered into the official records of the Housing Authority.

The principal staff member of the Housing Authority is the Executive Director~~Chief Executive Officer~~ (ED~~CEO~~), who is selected and hired by the Board. The ~~CEO~~ Executive Director oversees the day to day operations of the Housing Authority and is directly responsible for carrying out the policies established by the commissioners. The ~~CEO's~~ Executive Director's duties include hiring, training, and supervising the Housing Authority's staff, as well as budgeting and financial planning for the agency. Additionally, the ~~CEO~~ ED is charged with ensuring compliance with federal and state laws, and program mandates.

1-I.C. HOUSING AUTHORITY MISSION

The purpose of a mission statement is to communicate the purpose of the agency to people inside and outside of the agency. It provides the basis for strategy development, identification of critical success factors, resource allocation decisions, as well as ensuring client and stakeholder satisfaction.

> Housing Authority Mission
> The Housing Authority of the County of San Joaquin is dedicated to providing and advocating for affordable, attractive, safe living environments and opportunities to become self-sufficient for persons hard to house. ~~of very low to moderate income~~.

1-I.D. THE HOUSING AUTHORITY'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, the Housing Authority is committed to providing excellent service to all public housing applicants, residents, and the public. In order to provide superior service, the Housing Authority resolves to:

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.

- Provide decent, safe, and sanitary housing in good repair – in compliance with program uniform physical condition standards – for very low- and low-income families.

- Achieve a healthy mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward deconcentration of poverty goals.

- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human services needs.

- Promote fair housing and the opportunity for very low- and low-income families of all races, ethnicities, national origins, religions, ethnic backgrounds, and with all types of disabilities, to participate in the public housing program and its services.

- Create positive public awareness and expand the level of family and community support in accomplishing the Housing Authority's mission.

- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.

- Administer an efficient, high-performing agency through continuous improvement of the Housing Authority's support systems and commitment to our employees and their development.

The Housing Authority will make every effort to keep residents informed of program rules and regulations, and to advise participants of how the program rules affect them.

PART II: THE PUBLIC HOUSING PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

The intent of this section is to provide the public and staff an overview of the history and operation of public housing.

The United States Housing Act of 1937 (the "Act") is responsible for the birth of federal housing program initiatives, known as public housing. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing for low-income residents. There have been many changes to the program since its inception in 1937.

The Housing Act of 1965 established the availability of federal assistance, administered through local public agencies, to provide rehabilitation grants for home repairs and rehabilitation. This act also created the federal Department of Housing and Urban Development (HUD).
The Housing Act of 1969 created an operating subsidy for the public housing program for the first time. Until that time, public housing was a self-sustaining program.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act or Housing Act of 1998 – was signed into law. Its purpose was to provide more private sector management guidelines to the public housing program and provide residents with greater choices. It also allowed Housing Authority more remedies to replace or revitalize severely distressed public housing developments. Highlights of the Reform Act include: the establishment of flat rents; the requirement for Housing Authority to develop five-year and annual plans; income targeting, a requirement that 40% of all new admissions in public housing during any given fiscal year be reserved for extremely low-income families; and resident self-sufficiency incentives.

1-II.B. PUBLIC HOUSING PROGRAM BASICS

HUD writes and publishes regulations in order to implement public housing laws enacted by Congress. HUD contracts with the Housing Authority to administer programs in accordance with HUD regulations and provides an operating subsidy to the Housing Authority. The Housing Authority must create written policies that are consistent with HUD regulations. Among these policies is the Housing Authority's Admissions and Continued Occupancy Policy (ACOP). The ACOP must be approved by the board of commissioners of the Housing Authority.

The job of the Housing Authority pursuant to HUD regulations is to provide decent, safe, and sanitary housing, in good repair, to low-income families at an affordable rent. The Housing Authority screens applicants for public housing and, if they are found eligible and accepted, the Housing Authority offers the applicant a unit. If the applicant accepts the offer, the Housing Authority will enter into a contract with the applicant known as the lease. At this point, the applicant becomes a tenant of the public housing program.

In the context of the public housing program, a tenant is defined as the adult person(s) (other than a live-in aide who (1) executed the lease with the Housing Authority as lessee of the dwelling unit, or, if no such person now resides in the unit, (2) who resides in the unit, and who

is the remaining head of household of the tenant family residing in the dwelling unit. [24 CFR 966.53]. The Public Housing Occupancy Guidebook refers to tenants as "residents." The terms "tenant" and "resident" are used interchangeably in this policy. Additionally, this policy uses the term "family" or "families" for residents or applicants, depending on context.

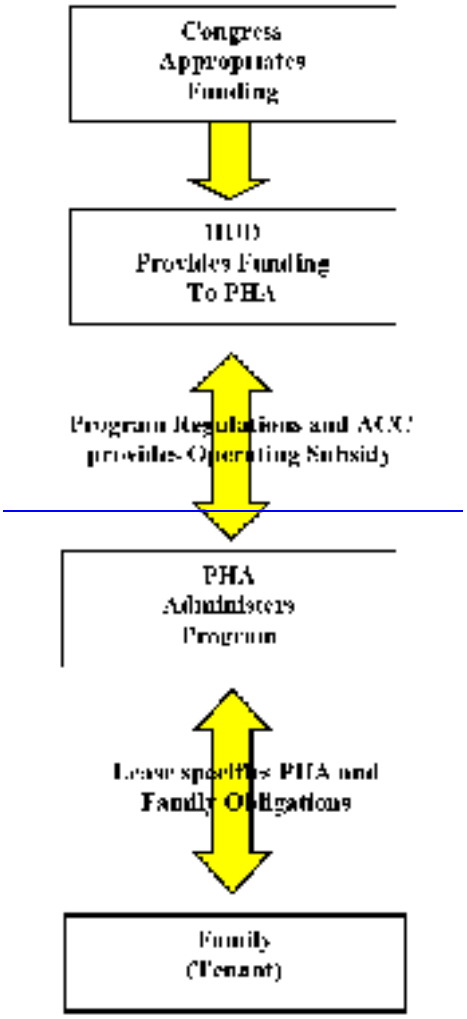
Since the Housing Authority owns the public housing development, the Housing Authority is the landlord. The Housing Authority must comply with all of the legal and management responsibilities of a landlord in addition to administering the program in accordance with HUD regulations and Housing Authority policy.

1-II.C. PUBLIC HOUSING PARTNERSHIPS

Relationships between the important parties are defined by federal regulations and by contract. To administer the public housing program, the Housing Authority enters into a contractual relationship with HUD through the ACC. The Housing Authority also enters into a contractual relationship with the tenant through the public housing lease. These contracts outline the roles and responsibilities of each party.

Federal regulations further identify the important roles of the parties involved. For the program to work and be successful, all parties involved – HUD, the Housing Authority, and the tenant – must play their important parts.

The Public Housing Relationships



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What does HUD do?

Federal law is the source of HUD responsibilities. HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement housing legislation passed by Congress
- Allocate operating subsidies to Housing Authority
- Allocate capital funding to Housing Authority
- Provide technical assistance to Housing Authority on interpreting and applying program requirements
- Monitor Housing Authority compliance with program requirements and Housing Authority performance in program administration.

What does the Housing Authority do?

The Housing Authority's responsibilities originate in federal regulations and the ACC. The Housing Authority owns and manages public housing developments, administers the program under contract with HUD and has the following major responsibilities:

- Establish local policies
- Review applications from interested applicant families to determine whether applicants are eligible for the program
- Maintain waiting list and select families for admission
- Maintain housing units by making any necessary repairs in a timely manner
- Screen families who apply for tenancy, to determine if they will be good renters
- Offer units to families (minimize vacancies without overcrowding)
- Maintain properties to the standard of decent, safe, sanitary, and in good repair (including assuring compliance with uniform physical conditions standards)
- Make sure the Housing Authority has adequate financial resources to maintain its housing stock
- Ensure that families continue to qualify under the program
- Collect rent due from the assisted family and comply with and enforce provisions of the lease
- Ensure that families comply with program rules

- Provide families with prompt and professional service

- Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, the Housing Authority's ACOP, and other applicable federal, state and local laws.

What does the Tenant do?
The tenant's responsibilities are articulated in the public housing lease. The tenant has the following broad responsibilities:

- Comply with the terms of the lease

- Provide the Housing Authority with complete and accurate information, determined by the Housing Authority to be necessary for administration of the program

- Cooperate in attending all appointments scheduled by the Housing Authority

- Allow the Housing Authority to inspect the unit at reasonable times and after reasonable notice

- Take responsibility for care of the housing unit, including any violations of uniform physical condition standards caused by the family

- Not engage in drug-related or violent criminal activity

- Notify the Housing Authority before moving or termination of the lease

- Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit or assign the lease

- Promptly notify the Housing Authority of any changes in family composition

- Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.

If all parties fulfill their obligations in a professional and timely manner, the program responsibilities will be fulfilled in an effective manner.

1-II.D. APPLICABLE REGULATIONS
Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated Housing

- 24 CFR Part 960: Admission and Occupancy Policies
- 24 CFR Part 965: Housing Authority-Owned or Leased Projects – General Provisions
- 24 CFR Part 966: Lease and Grievance Procedures

PART III: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICIES

1-III.A. OVERVIEW AND PURPOSE OF THE POLICY

The ACOP is the Housing Authority's written statement of policies used to carry out the housing program in accordance with federal law and regulations, and HUD requirements. The ACOP is required by HUD and it must be available for public review [CFR 24 Part 903]. The ACOP also contains policies that support the objectives contained in the Housing Authority's Agency Plan. All issues related to public housing not addressed in this ACOP are governed by federal regulations, HUD handbooks and guidebooks, notices and applicable state and local laws. The policies in this ACOP have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding. The Housing Authority is responsible for complying with all changes in HUD regulations pertaining to public housing. If such changes conflict with this plan, HUD regulations will have precedence.

1-III.B. CONTENTS OF THE POLICY

Unlike the housing choice voucher program, HUD regulations for public housing do not contain a list of what must be included in the ACOP. However, individual regulations contain requirements of inclusion in the Housing Authority's written policy. At a minimum, the ACOP plan should cover Housing Authority policies on these subjects:

- The organization of the waiting list and how families are selected and offered available units, including any Housing Authority admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the Housing Authority waiting list (Chapters 4 and 5)

- Transfer policies and the circumstances under which a transfer would take precedence over an admission (Chapter 12)

- Standards for determining eligibility, suitability for tenancy, and the size and type of the unit needed (Chapters 3 and 5)

- Procedures for verifying the information the family has provided (Chapter 7)

- The method for achieving deconcentration of poverty and income-mixing of public housing developments (Chapter 4)

- Grievance procedures (Chapter 14)

- Policies concerning payment by a family to the Housing Authority of amounts the family owes the Housing Authority (Chapter 15 and 16)

- Interim re-determinations of family income and composition (Chapter 9)

- Policies regarding community service requirements; (Chapter 11)

- Polices and rules about safety and ownership of pets in public housing (Chapter 10).

New Approach to Policy Development

HUD has developed an approach to monitoring policy that emphasizes the importance of consistency. The ACOP supports that goal by clearly defining Housing Authority policy for Housing Authority management and staff.

A primary focus of programs like HUD's Rental Integrity Monitoring (RIM) program has been consistency in how Housing Authorities conduct their business and in how HUD monitors Housing Authority activities. HUD has made it clear that consistency in Housing Authority conduct is important. Referring to and following the ACOP is essential to maintaining consistency in applying Housing Authority policy.

HUD makes a distinction between:

- Mandatory policies: those driven by legislation, regulations, current handbooks, notices, and legal opinions, and

- Optional, non-binding guidance, including guidebooks, notices that have expired and recommendations from individual HUD staff.

HUD expects Housing Authority to develop policies and procedures that are consistent with mandatory policies and to make clear the optional policies the Housing Authority has adopted. The Housing Authority's Admissions and Continued Occupancy Policy is the document that contains and clarifies Housing Authority policy. HUD's new direction adds additional emphasis to the need for a clearly written and comprehensive ACOP to guide staff in the clear and consistent application of policy.

HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. Therefore, following HUD guidance in the preparation of Housing Authority policy, even though it is not mandatory, provides a Housing Authority with a "safe harbor." If a Housing Authority adopts its own optional policy, it must make its own determination that such policy is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than that suggested by HUD, but Housing Authority should carefully think through those decisions and be able to articulate how their policy is consistent with federal laws, regulations and mandatory policy.

1-III.C. UPDATING AND REVISING THE POLICY

The Housing Authority will revise this ACOP as needed to comply with changes in HUD regulations. The original policy and any changes must be approved by the board of commissioners of the Housing Authority, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

Housing Authority Policy

The Housing Authority will review and update the ACOP at least once a year, and more often if needed, to reflect changes in regulations, Housing Authority operations, or when needed to ensure staff consistency in operation.

Chapter 2
FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the ~~laws and~~ HUD regulations requiring Housing Authority to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of the Housing Authority's public housing operations.

This chapter describes HUD regulations and Housing Authority policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of the Housing Authority regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the public housing program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of the Housing Authority to ensure meaningful access to the public housing program and its activities by persons with limited English proficiency (LEP). This part incorporates HUD's Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published December 19, 2003 in the *Federal* Register ("Notice of Guidance").

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

Federal laws require Housing Authority to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. The Housing Authority will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

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

When more than one civil rights law applies to a situation, the laws will be read and applied together.

Housing Authority Policy
No state or local nondiscrimination laws or ordinances apply.

2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes. State and local requirements, as well as Housing Authority policies, can prohibit discrimination against additional classes of people.

The Housing Authority shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called "protected classes").
Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

Housing Authority Policy
The Housing Authority will not discriminate on the basis of marital status or sexual orientation.

The Housing Authority will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the public housing program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or tenant toward or away from a particular area based on any of these factors
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Discriminate in the provision of residential real estate transactions
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

Providing Information to Families

The Housing Authority must take steps to ensure that families are fully aware of all applicable civil rights laws. As part of the public housing orientation process, the Housing Authority will provide information to public housing applicant families about civil rights requirements during orientation.~~.~~

Discrimination Complaints

If an applicant or tenant family believes that any family member has been discriminated against by the Housing Authority, the family should advise the Housing Authority. HUD requires the Housing Authority to make every reasonable attempt to determine whether the applicant's or tenant family's assertions have merit and take any warranted corrective action.

Housing Authority Policy

Applicants or tenant families who believe that they have been subject to unlawful discrimination may notify the Housing Authority either orally or in writing.
The Housing Authority will attempt to remedy discrimination complaints made against the Housing Authority.

The Housing Authority will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

The Housing Authority must ensure that persons with disabilities have full access to the Housing Authority's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the public housing program [24 CFR 8].

The Housing Authority must provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy [24 CFR 966.7(b)].

> Housing Authority Policy
> The Housing Authority will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the Housing Authority, by including the following language:
>
> > "If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the Housing Authority."
>
> A specific name and phone number will be indicated as the contact for requests for accommodation for persons with disabilities.

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies practices and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act] .

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the Housing Authority, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Types of Reasonable Accommodations

When it is reasonable (see definition ~~above and~~ Section 2-II.E), the Housing Authority shall accommodate the needs of a person with disabilities. Examples include but are not limited to:

- Permitting applications and reexaminations to be completed by mail
- Conducting home visits
- Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability
- Installing a ramp into a dwelling or building
- Installing grab bars in a bathroom
- Installing visual fire alarms for hearing impaired persons
- Allowing a Housing Authority-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities, and would not be otherwise living in the unit~~.~~
- Providing a designated handicapped-accessible parking space
- Allowing an assistance animal
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with Housing Authority staff
- Displaying posters and other housing information in locations throughout the Housing Authority's office in such a manner as to be easily readable from a wheelchair

2-II.C. REQUEST FOR AN ACCOMMODATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the Housing Authority treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the Housing Authority's programs and services.

If the need for the accommodation is not readily apparent or known to the Housing Authority, the family must explain the relationship between the requested accommodation and the disability.

Housing Authority Policy
The Housing Authority will encourage the family to make its request in writing using a reasonable accommodation request form. However, the Housing Authority will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, the Housing Authority must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the Housing Authority's programs and services.

If a person's disability is obvious or otherwise known to the Housing Authority, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the Housing Authority, the Housing Authority must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the Housing Authority will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16 (Program Administration). In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

- The Housing Authority must request only information that is necessary to evaluate the

disability-related need for the accommodation. The Housing Authority may not inquire about the nature or extent of any disability.

- Medical records will not be accepted or retained in the participant file.

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

The Housing Authority must approve a request for an accommodation if the following three conditions are met.

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the Housing Authority, or fundamentally alter the nature of the Housing Authority's operations.

Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the Housing Authority at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the Housing Authority may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the Housing Authority may verify the need for the requested accommodation.

Housing Authority Policy

After a request for an accommodation is presented, the Housing Authority will respond, in writing, within 10 business days.

If the Housing Authority denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the Housing Authority's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).
If the Housing Authority denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the Housing Authority's operations), the Housing Authority will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration

to the public housing program and without imposing an undue financial and administrative burden.

If the Housing Authority believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, the Housing Authority will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal the Housing Authority's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require the Housing Authority to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the Housing Authority's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, the Housing Authority shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

Housing Authority Policy
To meet the needs of persons with hearing impairments, TTD/TTY, (209-466-5735), communication will be available~~,~~. ~~as well as email to the Housing Authority hacsj.com via the contact link on the Housing Authority's web page.~~

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with Housing Authority staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

2-II.G. PHYSICAL ACCESSIBILITY

The Housing Authority must comply with a variety of regulations pertaining to physical accessibility, including the following.

- PIH 2002-01 (HA), Accessibility Notice
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990

- The Architectural Barriers Act of 1968

- The Fair Housing Act of 1988

The Housing Authority's policies concerning physical accessibility must be readily available to applicants and resident families. They can be found in three key documents.

- This policy, the Admissions and Continued Occupancy Policy, describes the key policies that govern the Housing Authority's responsibilities with regard to physical accessibility.

- Notice PIH 2002-01(HA) Accessibility Notice (which must be posted in the public housing offices in a conspicuous place) summarizes information about pertinent laws and implementing regulations related to non-discrimination and accessibility in federally-funded housing programs.

- The Housing Authority Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of Housing Authority facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the public housing program.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

A Housing Authority's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 966.7]. When applicants with disabilities are denied assistance, the notice of denial must inform them of their right to request an informal hearing [24 CFR 960.208(a)].

When a family's lease is terminated, the notice of termination must inform the family of their right to request a hearing in accordance with the Housing Authority's grievance process [24 CFR 966.4(l)(3)(ii)].

When reviewing reasonable accommodation requests, the Housing Authority must consider whether reasonable accommodation will allow the family to overcome the problem that led to the Housing Authority's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the Housing Authority must make the accommodation [24 CFR 966.7].

In addition, the Housing Authority must provide reasonable accommodation for persons with disabilities to participate in the hearing process [24 CFR 966.56(h)].

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published December 19, 2003 in the *Federal Register.*

The Housing Authority will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Admissions and Continued Occupancy Policy, LEP persons are public housing applicants and resident families, and parents and family members of applicants and resident families.

In order to determine the level of access needed by LEP persons, the Housing Authority will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the public housing program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the Housing Authority and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the Housing Authority.

2-III.B. ORAL INTERPRETATION

In a ~~courtroom, a~~ hearing, or situations in which health, safety, or access to important benefits and services are at stake, the Housing Authority will generally offer, or ensure that the family is offered through other sources, competent interpretation services free of charge to the LEP person.

> Housing Authority Policy
>
> The Housing Authority will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits. Where feasible, the Housing Authority will train and hire bilingual staff to be available to act as interpreters and translators, ~~will pool resources with other Housing Authority,~~ and will standardize documents. Where feasible and possible, the Housing Authority will encourage the use of qualified community volunteers.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the Housing Authority. The interpreter may be a family member or friend.

2-III.C. WRITTEN TRANSLATION

Translation is the replacement of a written text from one language into an equivalent written text in another language.

Housing Authority Policy

In order to comply with written-translation obligations, the Housing Authority will take the following steps:

The Housing Authority will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the Housing Authority may not translate vital written materials, but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

2-III.D. IMPLEMENTATION PLAN

After completing the four-factor analysis and deciding what language assistance services are appropriate, the Housing Authority shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If the Housing Authority determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to the Housing Authority's public housing program and services.

Housing Authority Policy

If it is determined that the Housing Authority serves very few LEP persons, and the Housing Authority has very limited resources, the Housing Authority will not develop a written LEP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process.

If the Housing Authority determines it is appropriate to develop a written LEP plan, the following five steps will be taken: (1) Identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3, 25.104, and 100.201]

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase "physical or mental impairment" includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

"Major life activities" includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

"Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major live activities.

"Is regarded as having an impairment" is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the Housing Authority) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the public housing program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this definition of disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the $400 elderly/disabled household deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the public housing program, yet an accommodation is needed to provide equal opportunity.

Chapter 3
ELIGIBILITY

INTRODUCTION

The Housing Authority is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the Housing Authority to confirm eligibility and determine the level of the family's assistance.

To be eligible for the public housing program:

- The applicant family must:
  - Qualify as a family as defined by HUD and the Housing Authority.
  - Have income at or below HUD-specified income limits.
  - Qualify on the basis of citizenship or the eligible immigrant status of family members.
  - Provide social security number information for family members as required.
  - Consent to the Housing Authority's collection and use of family information as provided for in Housing Authority-provided consent forms.
- The Housing Authority must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the Housing Authority.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and Housing Authority definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

Part III: Denial of Admission. This part covers factors related to an applicant's past or current conduct (e.g. criminal activity) that can cause the Housing Authority to deny admission.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the public housing unit. This part provides information that is needed to correctly identify family and household members, and to apply HUD's eligibility rules.

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 5.403 ~~and HUD-50058 IB, p. 13~~]

The terms *family* and *household* have different meanings in the public housing program.

Family

To be eligible for admission, an applicant must qualify as a family. *Family* is defined by HUD as a single person or a group of persons, a family with a child or children, two or more elderly or disabled persons living together, and one or more elderly or disabled persons living with one or more live-in aides. The Housing Authority has the discretion to determine if any other group of persons qualifies as a family.

> Housing Authority Policy
>
> Each family must identify the individuals to be included in the family at the time of application, and must update this information if the family's composition changes.
>
> To qualify as a family when proposed family members are not related by blood, marriage, adoption, or other operation of law, the Housing Authority will require applicants to demonstrate that the individuals have lived together previously, or certify that each individual's income and other resources will be available to meet the needs of the family.

Household

Household is a broader term that includes additional people who, with the Housing Authority's permission, live in a public housing unit, such as live-in aides, foster children, and foster adults.

3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY

Family Break-up

> Housing Authority Policy
>
> When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.
>
> If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will continue to be assisted.

If a court determines the disposition of property between members of the applicant or resident family in a divorce or separation decree, the Housing Authority will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, the Housing Authority will determine which family retains their placement on the waiting list, or will continue in occupancy taking into consideration the following factors: (1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) any possible risks to family members as a result of domestic violence or criminal activity, and (4) the recommendations of social service professionals.

Remaining Member of a Tenant Family [24 CFR 5.403]
The HUD definition of family includes the *remaining member of a tenant family*, which is a member of a resident family who remains in the unit when other members of the family have left the unit ~~[PH Occ GB, p. 26]~~. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only "remaining members of a tenant family" and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on "Caretakers for a Child."

3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]
Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse.

Housing Authority Policy
The family may designate any qualified family member as the head of household.
The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

3-I.E. SPOUSE, CO-HEAD, AND OTHER ADULT
A family may have a spouse or co-head, but not both ~~[HUD-50058 IB, p. 13].~~

Spouse means the marriage partner of the head of household.

Housing Authority Policy
A *marriage partner* includes the partner in a "common law" marriage as defined in state law. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

A *co-head* is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

Housing Authority Policy
Minors who are emancipated under state law may be designated as a co-head.

Other adult means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults [HUD-50058 IB, p. 14].

3-I.F. DEPENDENT [24 CFR 5.603]
A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a deduction from annual income as described in Chapter 6.

Joint Custody of Dependents

Housing Authority Policy
Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time. When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the Housing Authority will make the determination based on available documents such as court orders, school records, or an IRS return showing which family has claimed the child for income tax purposes.

3-I.G. FULL-TIME STUDENT [24 CFR 5.603]
A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution.

Identifying each FTS is important because (1) each family member that is an FTS, other than the head, spouse, or co-head, qualifies the family for a dependent deduction and (2) the income of such an FTS is treated differently from the income of other family members.

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY
Elderly Persons
An *elderly person* is a person who is at least 62 years of age [24 CFR 5.100].

Near-Elderly Persons
A *near-elderly person* is a person who is at least 50 years of age but below the age of 62 [24 CFR 945.105].

Elderly Family
An *elderly family* is one in which the head, spouse, co-head, or sole member is an elderly person [24 CFR 5.403]. Identifying elderly families is important because these families qualify for special deductions from income as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4(i.e. Senior only complex).

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403]
Persons with Disabilities
Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse, or co-head is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

As discussed in Chapter 2, the Housing Authority must make all aspects of the public housing program accessible to persons with disabilities and consider reasonable accommodations requested based upon a person's disability.

Disabled Family
A *disabled family* is one in which the head, spouse, or co-head is a person with disabilities. Identifying disabled families is important because these families qualify for special deductions from income as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

Even though persons with drug or alcohol dependencies are considered persons with disabilities for the purpose of non-discrimination, this does not prevent the Housing Authority from denying admission for reasons related to alcohol and drug abuse following policies found in Part III of this chapter, or from enforcing the lease following the policies in Chapter 13.

3-I.J. GUESTS [24 CFR 5.100]
A *guest* is defined as 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.

The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near Housing Authority premises [24 CFR 966.4(f)].

Housing Authority Policy
A resident family must notify the Housing Authority when overnight guests will be staying in the unit for more than 3 days. A guest can remain in the unit not longer than 14 consecutive days or a total of 30 cumulative calendar days during any 12 month period.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above.

Former residents who have been evicted are not permitted as overnight guests.
Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609(c)(2)].

The term *foster child* is not specifically defined by the regulations.
Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 ~~and HUD-50058 IB, pp. 13-14~~].~~].~~

Housing Authority Policy
A foster child is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

Children that are temporarily absent from the home as a result of placement in foster care are discussed in Section 3-I.L.

3-I.L. ABSENT FAMILY MEMBERS

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, and illness.

Definitions of Temporarily and Permanently Absent

Housing Authority Policy
Generally an individual who is or is expected to be absent from the public housing unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the public housing unit for more than 180 consecutive days is considered

permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

Housing Authority Policy
When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the Housing Authority indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care [24 CFR 5.403]
Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

Housing Authority Policy
If a child has been placed in foster care, the Housing Authority will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Co-head

Housing Authority Policy
An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Individuals Confined for Medical Reasons

Housing Authority Policy
An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, the Housing Authority will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Return of Permanently Absent Family Members

Housing Authority Policy
The family must request Housing Authority approval for the return of any adult family members that the Housing Authority has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

3-I.M. LIVE-IN AIDE

Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

The Housing Authority must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by a family member with disabilities.

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations [24 CFR 5.609(c)(5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

Housing Authority Policy
A family's request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional of the family's choosing, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services.

The Housing Authority will not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 966.4(d)(3)(i)]:

The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

The person has a history of drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

Within 10 business days of receiving a request for a live-in aide, including all required documentation related to the request, the Housing Authority will notify the family of its decision in writing.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits

HUD is required by law to set income limits that determine the eligibility of applicants for HUD's assisted housing programs, including the public housing program. The income limits are published annually and are based on HUD estimates of median family income in a particular area or county, with adjustments for family size.

Types of Low-Income Families [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A family whose annual income does not exceed 30 percent of the median income for the area, adjusted for family size.

HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility [24 CFR 960.201]

Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income-eligible, a family must be a *low-income* family.

Using Income Limits for Targeting [24 CFR 960.202(b)]

At least 40 percent of the families admitted to the Housing Authority's public housing program during a Housing Authority fiscal year from the Housing Authority waiting list must be *extremely low-income* families. This is called the "basic targeting requirement".

If admissions of extremely low-income families to the Housing Authority's housing choice voucher program during a Housing Authority fiscal year exceed the 75 percent minimum targeting requirement for that program, such excess shall be credited against the Housing Authority's public housing basic targeting requirement for the same fiscal year.

The fiscal year credit for housing choice voucher program admissions that exceed the minimum voucher program targeting requirement must not exceed the lower of:

- Ten percent of public housing waiting list admissions during the Housing Authority fiscal year
- Ten percent of waiting list admission to the Housing Authority's housing choice voucher program during the Housing Authority fiscal year

- The number of qualifying low-income families who commence occupancy during the fiscal year of public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

For discussion of how income targeting is used in tenant selection, see Chapter 4.

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]
Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the Housing Authority's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

Declaration [24 CFR 5.508]
HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, co-head, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals
In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit the Housing Authority to request additional documentation of their status, such as a passport.

> Housing Authority Policy
> Family members who declare citizenship or national status will not be required to provide additional documentation unless the Housing Authority receives information indicating that an individual's declaration may not be accurate.

Eligible Noncitizens
In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with Housing Authority efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens
Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their ineligible immigration status. The Housing Authority is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families
A family is eligible for admission as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 14 for a discussion of informal hearing procedures.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]
A Housing Authority may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member [24 CFR 5.512(b)] is established. Otherwise, no individual or family may be assisted prior to the affirmative establishment by the Housing Authority that the individual or at least one family member is eligible [24 CFR 5.512(a)].

> Housing Authority Policy
> The Housing Authority will not provide assistance to a family before the verification of at least one family member as a citizen, national, or eligible non-citizen.
>
> When a Housing Authority determines that an applicant family does not include any citizens, nationals, or eligible non-citizens, following the verification process, the family will be sent a written notice within 10 business days of the determination.
>
> The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance, and will advise the family of its right to request an appeal to the ~~United States Citizenship and Immigration Services (~~USCIS~~)~~, or to request an informal hearing with the Housing Authority. The informal hearing with the Housing Authority may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance

may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

Informal hearing procedures are contained in Chapter 14.

Timeframe for Determination of Citizenship Status [24 CFR 5.508(g)]
For new occupants joining the resident family the Housing Authority must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first. If an individual qualifies for a time extension for the submission of required documents, the Housing Authority must grant such an extension for no more than 30 days [24 CFR 5.508(h)]. Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

Housing Authority Policy
The Housing Authority will verify the status of applicants at the time other eligibility factors are determined.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218]

Disclosure required:
When a participant requests to add a new household member, the participant must submit the SSN to the HA at the time of the request or at the time of processing the interim reexamination or recertification of family composition that includes the new member(s).

If the participant or any member of the participant's household had a previously undisclosed SSN, or has been assigned a new SSN, the participant must submit the complete and accurate SSN assigned to the participant or household member involved at the next interim or regularly scheduled reexamination.

Termination of assistance or termination of participants:
The HA must terminate the assistance or tenancy or both of a participant, if the participant does not meet the applicable SSN disclosure, documentation and verification requirements.

Submission of evidence of citizenship or eligible immigration status (continues to be the same):

- For U.S. citizens or U.S. nationals, the evidence consists of a signed declaration of U.S. citizenship or U.S. national. The HA must obtain verification of the declaration by requiring presentation of a U.S. Passport, U.S. birth certificate, Employment Authorization card, Temporary Resident card or other appropriate documentation outlined in section 214.

- For non-citizens, adequate evidence of a signed declaration or eligible immigration status on the Section 214 document.

HUD makes it clear that the above requirements are not intended to apply to individuals in mixed families, who do not contend eligible immigration status under HUD's non-citizens regulation

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nor does it interfere with existing requirements relative to pro-ration of assistance or screening for such families, or authorize their eviction or denial of admission on the basis of the new requirements pertaining to obtaining social security numbers ~~For every family member age six (6) or older the family must provide documentation of a valid Social Security Number (SSN) or a certification stating that no SSN has been issued. If a family member who is required to execute a certification is less than 18 years old, the certification must be executed by the individual's parent or guardian [24 CFR 5.216(j)]. Assistance cannot be provided to a family until all SSN documentation requirements are met. A detailed discussion of acceptable documentation is provided in Chapter 7.~~

~~If a new member who is at least six(6) years of age is added to the family, the new member's SSN documentation must be submitted at the family's next interim or regular reexamination, whichever comes first. If any member of the family who is at least six (6) years of age obtains a previously undisclosed SSN, or has been assigned a new SSN, the documentation must be submitted at the family's next regularly scheduled reexamination.~~

~~The Housing Authority must deny admission to an applicant family if they do not meet the SSN disclosure, documentation and verification, and certification requirements contained in 24 CFR 5.216.~~

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230]

HUD requires each adult family member, and the head of household, spouse, or co-head, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/ Privacy Act Notice, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements.

The Housing Authority must deny admission to the program if any member of the applicant family fails to sign and submit consent forms which allow the Housing Authority to obtain information that the Housing Authority has determined is necessary in administration of the public housing program [24 CFR 960.259(a) and (b)].

PART III: DENIAL OF ADMISSION

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied admission.

In addition, HUD requires or permits the Housing Authority to deny admission based on certain types of current or past behaviors of family members as discussed in this part.

3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

Housing Authority are required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if the Housing Authority has reasonable cause to believe that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Where the statute requires that the Housing Authority prohibit admission for a prescribed period of time after some disqualifying behavior or event, the Housing Authority may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)].

HUD requires the Housing Authority to deny assistance in the following cases:

- **Any member of the household has been evicted from federally-assisted housing in the last 5~~3~~5 years for any drug-related criminal activity. HUD permits but does not require the Housing Authority to admit an otherwise-eligible family if the household member has completed a Housing Authority-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g. the person involved in the criminal activity no longer lives in the household).**

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Housing Authority Policy

The Housing Authority may~~will~~ admit an otherwise-eligible family who was evicted from federally-assisted housing within the past f~~f~~ive (5) years for drug-related criminal activity, if the Housing Authority is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the Housing Authority, or the person who committed the crime is no longer living in the household.

- **The Housing Authority determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b)(1)].**

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Housing Authority Policy
Currently engaged in is defined as any use of illegal drugs during the previous six months.

- **The Housing Authority has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.**

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Housing Authority Policy
In determining reasonable cause, the Housing Authority will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol.

- **Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing**.

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Housing Authority Policy
If any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine in any location, not just federally assisted housing, the family will be denied assistance.

- ~~Any household member is subject to a lifetime registration requirement under a state sex offender registration program.~~

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Housing Authority Policy
If any household member is currently registered as a sex offender under a state registration requirement, regardless of whether it is a lifetime registration requirement, the family will be denied assistance.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION
HUD permits, but does not require the Housing Authority to deny admission for the reasons discussed in this section.

Criminal Activity [24 CFR 960.203 (b) and (c)]
Under the Public Housing Assessment System (PHAS), Housing Authority that have adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants with unfavorable criminal histories receive points.

The Housing Authority is responsible for screening family behavior and suitability for tenancy. In doing so, the Housing Authority may consider an applicant's history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

Housing Authority Policy
If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five (5) years, the family will be denied admission.

Drug-related criminal activity, defined by HUD as 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 [24 CFR 5.100].

Violent criminal activity, defined by HUD as 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 [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or welfare of other tenants [24 CFR 960.203(c)(3)].

Criminal activity that may threaten the health or safety of Housing Authority staff, contractors, subcontractors, or agents.

Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Evidence of such criminal activity includes, but is not limited to any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past five 5 years.

In making its decision to deny assistance, the Housing Authority will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the Housing Authority may, on a case-by-case basis, decide not to deny assistance.

Previous Behavior [960.203(c) and (d) ~~and PH Occ GB, p. 4]~~[8]
HUD authorizes the Housing Authority to deny admission based on relevant information pertaining to the family's previous behavior and suitability for tenancy.
In the event of the receipt of unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense).

Housing Authority Policy
The Housing Authority will deny admission to an applicant family if the Housing Authority determines that the family:

Has a record of unsuitable past performance in meeting financial obligations, including rent within the past five years

Has a record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past five years which may adversely affect the health, safety, or welfare of other tenants

Has a record of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances)

Owes rent or other amounts to this or any other Housing Authority or owner in connection with any assisted housing program

Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent

Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program

Has engaged in or threatened violent or abusive behavior toward Housing Authority personnel

> ***Abusive or violent behavior towards Housing Authority personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.**
>
> ***Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.**

In making its decision to deny admission, the Housing Authority will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the Housing Authority may, on a case-by-case basis, decide not to deny admission.

The Housing Authority will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

3-III.D. SCREENING

Screening for Eligibility

Housing Authorities are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists the Housing Authority in complying with HUD requirements and Housing Authority policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the Housing Authority must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

The Housing Authority may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

Housing Authority Policy
The Housing Authority will perform criminal background checks through local law enforcement for all adult household members.

If the results of the criminal background check indicate there may have been past criminal activity, but the results are inconclusive, the Housing Authority will request a fingerprint card and will request information from the National Crime Information Center (NCIC).

Housing Authority are required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

If the Housing Authority proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the Housing Authority must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].

Obtaining Information from Drug Treatment Facilities [24 CFR 960.205]
HUD authorizes Housing Authority to request and obtain information from drug abuse treatment facilities concerning applicants. Specifically, the Housing Authority may require each applicant to submit for all household members who are at least 18 years of age, and for each family head, spouse, or co-head regardless of age, one or more consent forms signed by such household members that requests any drug abuse treatment facility to inform the Housing Authority whether the drug abuse treatment facility has reasonable cause to believe that the household member is currently engaging in illegal drug use.

Drug Abuse Treatment Facility means an entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use, and is either an identified unit within a general care facility, or an entity other than a general medical care facility.

Currently engaging in illegal use of a drug means illegal use of a drug that occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.

Any consent form used for the purpose of obtaining information from a drug abuse treatment facility to determine whether a household member is currently engaging in illegal drug use must

expire automatically after the Housing Authority has made a final decision to either approve or deny the admission of such person.
Any charges incurred by the Housing Authority for information provided from a drug abuse treatment facility may not be passed on to the applicant or tenant.

If the Housing Authority chooses to obtain such information from drug abuse treatment facilities, it must adopt and implement one of the two following policies:

The Housing Authority must submit a request for information to a drug abuse treatment facility for all families before they are admitted. The request must be submitted for each proposed household member who is at least 18 years of age, and for each family head, spouse, or co-head regardless of age.

~~If the Housing Authority chooses to obtain such information, it must abide by the HUD requirements for records management and confidentiality as described in 24 CFR 960.205(f).~~

Housing Authority Policy

The Housing Authority will obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when the Housing Authority has determined that the family will be denied admission based on a family member's drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program.

Screening for Suitability as a Tenant [24 CFR 960.203(c)]
The Housing Authority is responsible for the screening and selection of families to occupy public housing units. The Housing Authority may consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations.

Housing Authority Policy

The Housing Authority will consider the family's history with respect to the following factors:

- Payment of rent and utilities
- Caring for a unit and premises
- Respecting the rights of other residents to the peaceful enjoyment of their housing
- Criminal activity that is a threat to the health, safety, or property of others

- Behavior of all household members as related to the grounds for denial as detailed in Sections 3-III. B and C

- Compliance with any other essential conditions of tenancy

Resources Used to Check Applicant Suitability ~~**[PH Occ GB, pp. 47-56]**~~
Housing Authorities have a variety of resources available to them for determination of the suitability of applicants. ~~Generally,~~ Housing Authorities should reject applicants who have recent behavior that would warrant lease termination for a public housing resident.

Housing Authority Policy
In order to determine the suitability of applicants the Housing Authority will examine applicant history for the past five(5) years. Such background checks will include:

Past Performance in Meeting Financial Obligations, Especially Rent
Housing Authority and landlord references for the past five(5) years, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether the Housing Authority/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. Housing Authority and landlords will be asked if they would rent to the applicant family again.

Utility company references covering the monthly amount of utilities, late payment, disconnection, return of a utility deposit and whether the applicant can get utilities turned on in his/her name. (Use of this inquiry will be reserved for applicants applying for units where there are tenant-paid utilities.)

If an applicant has no rental payment history the Housing Authority will check court records of eviction actions and other financial judgments, and credit reports. A lack of credit history will not disqualify someone from becoming a public housing resident, but a poor credit rating may.

Applicants with no rental payment history will also be asked to provide the Housing Authority with personal references. The references will be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available. The applicant will also be required to complete a checklist documenting their ability to meet financial obligations.

If previous landlords or the utility company do not respond to requests from the Housing Authority, the applicant may provide other

documentation that demonstrates their ability to meet financial obligations (e.g. rent receipts, cancelled checks, etc.)

Disturbances of Neighbors, Destruction of Property or Living or Housekeeping Habits at Prior Residences that May Adversely Affect Health, Safety, or Welfare of Other Tenants, or Cause Damage to the Unit or the Development

Housing Authority and landlord references for the past five (5) years, gathering information on whether the applicant kept a unit clean, safe and sanitary; whether they violated health or safety codes; whether any damage was done by the applicant to a current or previous unit or the development, and, if so, how much the repair of the damage cost; whether the applicant's housekeeping caused insect or rodent infestation; and whether the neighbors complained about the applicant or whether the police were ever called because of disturbances.

Police and court records within the past five (5) years will be used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest or conviction.

A personal reference will be requested to complete a verification of the applicant's ability to care for the unit and avoid disturbing neighbors if no other documentation is available. In these cases, the applicant will also be required to complete a checklist documenting their ability to care for the unit and to avoid disturbing neighbors.

Home visits may be used to determine the applicant's ability to care for the unit.

3-III.E. CRITERIA FOR DECIDING TO DENY ADMISSION

Evidence

Housing Authority Policy

The Housing Authority will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 960.203(c)(3) and (d)]

HUD authorizes the Housing Authority to consider all relevant circumstances when deciding whether to deny admission based on a family's past history except in the situations for which denial of admission is mandated (see Section 3-III.B).

In the event the Housing Authority receives unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with its policies, Housing Authority may

give consideration to factors which might indicate a reasonable probability of favorable future conduct.

Housing Authority Policy
The Housing Authority will consider the following factors when making its decision:

The seriousness of the case, especially with respect to how it would affect other residents

The effects that denial of admission may have on other members of the family who were not involved in the action or failure

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

The 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.

Removal of a Family Member's Name from the Application [24 CFR 960.203(c)(3)(i)]
HUD permits Housing Authority to impose as a condition of admission, a requirement that family members who participated in or were culpable for an action or failure to act which warrants denial of admission, to not reside in the unit.

Housing Authority Policy
As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the public housing unit.

After admission to the program, the family must present evidence of the former family member's current address upon Housing Authority request.

Reasonable Accommodation ~~[PH Occ GB, pp. 58-60]~~
If the family includes a person with disabilities, the Housing Authority's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

Housing Authority Policy
If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, the Housing Authority will determine whether the behavior is related to the disability. If so, upon the family's request, the Housing Authority will determine whether alternative measures are appropriate as a reasonable accommodation. The Housing Authority will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission. See Chapter 2 for a discussion of reasonable accommodation.

3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [Pub.L. 109-162]

The Violence against Women Reauthorization Act of 2005 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking. Specifically, Section 607(2) of VAWA adds the following provision to Section 6 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the public housing program:

> Every contract for contributions shall provide that . . . the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section 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.

Definitions

As used in VAWA:

~~1.~~• The term *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 cohabitating with or has cohabitated 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.

~~2.~~• The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

~~1.~~ The length of the relationship

~~2.~~ The type of relationship

~~3.~~ The frequency of interaction between the persons involved in the relationship

~~3.~~• The term *stalking* means:

~~4.~~ To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or

~~5.~~ To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

~~6.~~ 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

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injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

7. The term *immediate family member* means, with respect to a person –

8. A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or

9. Any other person living in the household of that person and related to that person by blood and marriage.

Notification and Victim Documentation

Notification

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under the Housing Authority's policies. Therefore, if the HOUSING AUTHORITY makes a determination to deny admission to an applicant family, the HOUSING AUTHORITY will include in its notice of denial:

A statement of the protection against denial provided by VAWA

A description of HOUSING AUTHORITY confidentiality requirements

A request that an applicant wishing to claim this protection submit to the HOUSING AUTHORITY documentation meeting the specifications below with her or his request for an informal hearing (see section 14-I.B)

Documentation

Victim Documentation

Housing Authority Policy

An applicant claiming that the cause of an unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, or stalking must provide documentation (1) demonstrating the connection between the abuse and the unfavorable history and (2) naming the perpetrator of the abuse. The documentation may consist of any of the following:

A statement signed by the victim certifying that the information provided is true and correct and that it describes bona fide incident(s) of actual or threatened domestic violence, dating violence, or stalking

A police or court record documenting the domestic violence, dating violence, or stalking

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Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical or other knowledgeable professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

Housing Authority Policy

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The Public Housing Authority (PHA) acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history that would warrant denial under the PHA's policies. Therefore, if the PHA makes a determination to deny admission to an applicant family on the basis of an unfavorable history, the PHA will include in its notice of denial a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, or stalking.

The documentation must include two elements:

A signed statement by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking

One of the following:

A police or court record documenting the actual or threatened abuse

A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The applicant must submit the required documentation with her or his request for an informal hearing (see section 14-I.B) or must request an extension in writing at that time. If the applicant so requests, the PHA will grant an extension of 10 business days, and will postpone scheduling the applicant's informal hearing until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant the PHA determines the family is eligible for assistance, no informal hearing will be scheduled and the PHA will proceed with admission of the applicant family.

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Perpetrator Documentation

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Housing Authority Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

Time Frame for Submitting Documentation

Housing Authority Policy

The applicant must submit the required documentation with her or his request for an informal hearing (see section 14-I.B) or must request an extension in writing at that time. If the applicant so requests, the HOUSING AUTHORITY will grant an extension of 10 business days and will postpone scheduling the applicant's informal hearing until after it has received the documentation or the extension period has elapsed. If, after reviewing the documentation provided by the applicant, the HOUSING AUTHORITY determines that the family is eligible for assistance, no informal hearing will be scheduled, and the HOUSING AUTHORITY will proceed with admission of the applicant family.

~~**Perpetrator Removal or Documentation of Rehabilitation**~~

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~~Housing Authority Policy~~

~~In cases where an applicant family includes the perpetrator as well as the victim of domestic violence, dating violence, or stalking, the PHA will proceed as above but will require, in addition, either (a) that the perpetrator be removed from the applicant household and not reside in the public housing unit or (b) that the family provide documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment.~~

~~If the family elects the second option, the documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.~~

~~This additional documentation must be submitted within the same time frame as the documentation required above from the victim.~~

~~PHA~~HOUSING ~~Confidentiality~~AUTHORITY Confidentiality Requirements

All information provided to the ~~PHA~~HOUSING AUTHORITY regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

Housing Authority Policy

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If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the HOUSING AUTHORITY will inform the victim before disclosure occurs so that safety risks can be identified and addressed

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3-III.G. NOTICE OF ELIGIBILITY OR DENIAL

The Housing Authority will notify an applicant family of its final determination of eligibility in accordance with the policies in Section 4-III.E.

If a Housing Authority uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the Housing Authority can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)].

Housing Authority Policy

If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, the Housing Authority will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact the Housing Authority to dispute the information within that 10 day period, the Housing Authority will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

~~Notice requirements related to denying admission to noncitizens are contained in Section 3-II.B.~~

EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403]

The term *person with disabilities* means a person who has any of the following types of conditions.

Has a disability, as defined in 42 U.S.C. Section 423(d)((1)((A), which reads:

> Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months
>
> In the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in section 416(i)((1) of this title), inability by reason of such blindness to engage in substantial gainful activity, requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C.6001(U.S.C.6001 (8)], which defines developmental disability in functional terms as:

> A severe, chronic disability of a person 5 years of age or older which:
>
> - Is attributable to a mental or physical impairment or combination of mental and physical impairments
> - Is manifested before the person attains age twenty-two
> - Is likely to continue indefinitely
> - Results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and responsive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency
> - Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided."

Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

People with the Aacquired IimmunoImmune-Ddeficiency Ssyndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

Individual with Handicaps [24 CFR 8.3]
Individual with handicaps means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(1) Physical or mental impairment includes:
   (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphaphatic; skin; and endocrine; or

   (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(2) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) Is regarded as having an impairment means:
   (a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation

(b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment

(c) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.

Chapter 4
APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to reside in public housing, the family must submit an application that provides the Housing Authority with the information needed to determine the family's eligibility. HUD requires the Housing Authority to place all eligible families that apply for public housing on a waiting list. When a unit becomes available, the Housing Authority must select families from the waiting list in accordance with HUD requirements and Housing Authority policies as stated in its Admissions and Continued Occupancy Policy (ACOP) and its annual plan.

The Housing Authority is required to adopt a clear approach to accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow this approach consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or the Housing Authority to receive preferential treatment.

HUD regulations require that the Housing Authority comply with all equal opportunity requirements and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103~~, PH Occ GB p. 13}~~]. Adherence to the selection policies described in this chapter ensures that the Housing Authority will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and Housing Authority policies for taking applications, managing the waiting list and selecting families from the waiting list. The Housing Authority policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise the Housing Authority's Tenant Selection and Assignment Plan (TSAP).

The policies outlined in this chapter are organized into three sections, as follows:

> Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how the Housing Authority will handle the applications it receives.
>
> Part II: Managing the Waiting List. This part presents the policies that govern how the Housing Authority's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process the Housing Authority will use to keep the waiting list current.
>
> Part III: Tenant Selection. This part describes the policies that guide the Housing Authority in selecting families from the waiting list as units become available. It also specifies how in-person interviews will be used to ensure that the Housing Authority has the information needed to make a final eligibility determination.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the policies that guide the Housing Authority's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes the Housing Authority's obligation to ensure the accessibility of the application process.

4-I.B. APPLYING FOR ASSISTANCE

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b)() (2)() (ii), 24 CFR 960.202(a)() (2)() (iv), and PH Occ GB, p. 68]. HUD permits the Housing Authority to determine the format and content of its applications, as well how such applications will be made available to interested families and how applications will be accepted by the Housing Authority.

Housing Authority Policy

Depending upon the length of time that applicants may need to wait to be housed, the Housing Authority may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, the Housing Authority initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.

Families may obtain application forms from the Housing Authority's office during normal business hours. Families may also request via – by telephone or in writingby mail – that a form be sent to the family via first class mail. Applications can also be downloaded from http://www.hacsj.com.

Completed applications must be returned to the Housing Authority **only** by mail. Applications must be complete in order to be accepted by the Housing Authority for processing. If an application is incomplete, the Housing Authority will notify the family of the additional information required.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

The Housing Authority must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard Housing Authority application process.

Disabled Populations [24 CFR 8~~; PH Occ GB, p. 68~~]
The Housing Authority must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or the Housing Authority must provide an alternate approach that provides equal access to the application process. Chapter 2 provides a full discussion of the Housing Authority's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency
Housing Authorities are required to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on the Housing Authority's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST
The Housing Authority will~~must~~ review each completed application received and make a preliminary assessment of the family's eligibility. The Housing Authority must place on the waiting list families for whom the list is open unless the Housing Authority determines the family to be ineligible. Where the family is determined to be ineligible, the Housing Authority must notify the family in writing [24 CFR 960.208(a);~~ PH Occ GB, p. 41~~]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

Eligible for Placement on the Waiting List

Housing Authority Policy
The pre-application will be dated, time-stamped and referred to the Housing Authority's eligibility office where it will be maintained until such time as it is needed for processing

~~The Housing Authority will send written notification of the preliminary eligibility determination within 10~~30 ~~business days of receiving a completed application. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify.~~

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification for preferences will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list according to Housing Authority preference(s) and the date and time their complete application is received by the Housing Authority.

The Housing Authority will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter

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5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to Housing Authority standards and local codes). ~~However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.~~

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

The Housing Authority must have policies regarding the type of waiting list it will utilize as well as the various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how the Housing Authority may structure its waiting list and how families must be treated if they apply for public housing at a Housing Authority that administers more than one assisted housing program.

4-II.B. ORGANIZATION OF THE WAITING LIST

The Housing Authority's public housing waiting list must be organized in such a manner to allow the Housing Authority to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

Housing Authority Policy

The waiting list will contain the following information for each applicant listed:

- Name and social security number of head of household
- Unit size required (number of family members)
- Amount ~~and source~~ of annual income
- Accessibility requirement, if any
- Date and time of application or application number
- Household type (family, elderly, disabled)
- Admission preference, if any
- Race and ethnicity of the head of household
- The specific site(s) selected (only if Housing Authority offers site-based waiting lists)

The Housing Authority may adopt one community-wide waiting list or site-based waiting lists. The Housing Authority must obtain approval from HUD through submission of its Annual Plan before it may offer site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

Housing Authority Policy

The Housing Authority will maintain separate waiting list for its developments.

HUD directs that a family that applies to reside in public housing must be offered the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that the Housing Authority operates if:

1) the other programs' waiting lists are open, and

2) the family is qualified for the other programs [24 CFR 982.205(a)(1) (2)(i)].

HUD permits, but does not require, that Housing Authority maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs [24 CFR 982.205(a)(1)].

Housing Authority Policy
The Housing Authority will not merge the public housing waiting list with the waiting list for any other program the Housing Authority operates.

4-II.C. OPENING AND CLOSING THE WAITING LIST

Closing the Waiting List

The Housing Authority is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fill its developments. The Housing Authority may close the waiting list completely, or restrict intake by preference, type of project, or by size and type of dwelling unit. ~~[PH Occ GB, p. 31].~~

Housing Authority Policy
The Housing Authority will close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants. Where the Housing Authority has particular preferences or other criteria that require a specific category of family, the Housing Authority may elect to continue to accept applications from these applicants while closing the waiting list to others.

Reopening the Waiting List

If the waiting list has been closed, it may be reopened at any time. The Housing Authority will~~should~~ publish a notice in local newspapers of general circulation, minority media, and other suitable media outlets that the Housing Authority is reopening the waiting list. Such notice must comply with HUD fair housing requirements. The Housing Authority should specify who may apply, and where and when applications will be received.

Housing Authority Policy
The Housing Authority will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received. The Housing Authority will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

a) Stockton Record

b) Lodi Sentinel

c) Tracy Press

d) Manteca Bulletin

e) San Joaquin County Human Services Agency

f) California State Employment Development Department

g) Social Security Administration Office

h) San Joaquin Fair Housing Office

i) Local Center for Deafness

j) Community Center for the Blind & Visual Impaired

k) California State Department of Rehabilitation

4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]
The Housing Authority should conduct outreach as necessary to ensure that the Housing Authority has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that the Housing Authority is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires the Housing Authority to serve a specified percentage of extremely low income families, the Housing Authority may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

Housing Authority outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

Housing Authority outreach efforts must be designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population

- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

Housing Authority Policy
The Housing Authority will monitor the characteristics of the population being served and the characteristics of the population as a whole in the Housing Authority's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

Housing Authority Policy
While the family is on the waiting list, the family must inform the Housing Authority, within 10 business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing.

Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

4-II.F. UPDATING THE WAITING LIST

HUD requires the Housing Authority to establish policies to use when removing applicant names from the waiting list [24 CFR 960.202(a)() (2)() (ivIV)].

Purging the Waiting List
The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to the Housing Authority's request for information or updates because of the family member's disability, the Housing Authority must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

Housing Authority Policy
The waiting list will be updated as needed to ensure that all applicants and applicant information is current and timely.

To update the waiting list, the Housing Authority will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the Housing Authority has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

Any mailings to the applicant which require a response will state that failure to respond within ten (10) days will result in the applicant's name being dropped from the waiting list. An extension of thirty (30) days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

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If a letter is returned by the Post Office without a forwarding address, the applicant will be removed from the waiting list without further notice, and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, the Housing Authority will make no more than two (2) attempts to forward the appointment letter to the new forwarding address before removing the applicant from the wait list.

When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the Housing Authority from making an eligibility determination; therefore no informal hearing is required.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless the Application's Compliance Supervisor or his/her designee determines there were circumstances beyond the person's control.

The Housing Authority allows a grace period of thirty (30) days after completion of the purge. Applicants who respond during this grace period will be reinstated.

~~The family's response must be in writing and may be delivered in person, by mail, or by fax. Responses should be postmarked or received by the Housing Authority not later than 15 business days from the date of the Housing Authority letter.~~

~~If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.~~

~~If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.~~

~~If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.~~
~~When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the Housing Authority from making an eligibility determination; therefore no informal hearing is required.~~

~~If a family is removed from the waiting list for failure to respond, the Executive Director may reinstate the family if s/he determines the lack of response was due to Housing Authority error, or to circumstances beyond the family's control.~~

Removal from the Waiting List

Housing Authority Policy

The Housing Authority will remove applicants from the waiting list if they have requested that their name be removed. In such cases no informal hearing is required. If the Housing Authority determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list the family will be removed from the waiting list.

If a family is removed from the waiting list because the Housing Authority has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing regarding the Housing Authority's decision (see Chapter 14) [24 CFR 960.208(a)].

PART III: TENANT SELECTION

4-III.A. OVERVIEW

The Housing Authority must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. The Housing Authority must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. The Housing Authority must not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting list depends on the selection method chosen by the Housing Authority and is impacted in part by any selection preferences that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting list.

The Housing Authority must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the Housing Authority's selection policies [24 CFR 960.206(e)(2)]. The Housing Authority's policies must be posted any place where the Housing Authority receives applications. The Housing Authority must provide a copy of its tenant selection policies upon request to any applicant or tenant. The Housing Authority may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c~~)(~~) (2)].

> Housing Authority Policy
> When an applicant or resident family requests a copy of the Housing Authority's tenant selection policies, the Housing Authority will provide copies to them at a charge of $.25 per page.

4-III.B. SELECTION METHOD

Housing Authority must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the Housing Authority will use.

Local Preferences [24 CFR 960.206]

Housing Authorities are permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the Housing Authority to establish other local preferences, at its discretion. Any local preferences established must be consistent with the Housing Authority plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

> Housing Authority Policy
> The Housing Authority will use the following local preference:
>
> **Displaced by Government Action (5 points)**
> Families who were receiving Public Housing Assistance will take precedence over other waiting list place holders. New applicants to the Public Housing Program must be a

family displaced by a natural disaster, including disasters recognized by the Federal Government, which extensively damaged or destroyed their dwelling.

Veteran Preference (4 points)
Current members of the military, veterans, or surviving spouses of veterans. Applicants must provide proof of honorable discharge. If discharge is less than honorable, applicant must provide proof of eligibility to receive veteran benefits.

Residency Preference (2 points)
Families who live, work, or have been h~~f~~ired to work within San Joaquin County and/or residents moving to San Joaquin County who currently participate in an approved Cal Work's Program at time of submission of pre-application.

The following preferences are equal in the selection process:

Disability Preference (1 point)
This preference is extended to disabled persons or families with a disabled member as defined in this Admissions and Continued Occupancy Policy. Proof of disability will be required at the time of selection.

Involuntary Displacement (1 point)
Involuntary displace applicant are applicants who have been involuntarily displaced and are not living in standard, permanent replacement housing, or will be involuntarily displaced within no more than six months from the date of verification by the Housing Authority. These applicants would include those:

~~10.~~1. Displaced due to action by a housing owner which is beyond an applicants ability to control despite the applicant's having met all previous conditions of occupancy, and is other than a rent increase, such as:
- Conversion of an applicants housing unit to non-rental or non-residential use
- Closure of an applicants housing unit for rehabilitation or non-residential use
- Notice to an applicant that he/she must vacate a unit because the owner wants the unit for the owner's personal or family occupancy

~~11.~~2. Part of a Witness Protection Program or the HUD Office or law enforcement agency and, after a threat assessment, the law enforcement agency recommends re-housing the family to avoid or reduce risk of violence against the family.

~~12.~~3. Displaced due to a family member being the victim of one or more hate crimes, and the applicant has vacated the unit because of the crime or fear of such a crime has destroyed the applicant's peaceful enjoyment of the unit.

The Housing Authority will use the following to select among applicants on the waiting list with the same preference status:

- Date and time of receipt of a completed application

SPECIAL ADMISSIONS

If HUD awards a Housing Authority program funding that is targeted for specifically named families, the Housing Authority will admit these families under a special admission procedure. Special admission families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list.

The Housing Authority maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

- A family displaced because of demolition or disposition of a public or Indian housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990;
- A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

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Income Targeting Requirement [24 CFR 960.202(b)]

HUD requires that extremely low-income (ELI) families make up at least 40% of the families admitted to public housing during the Housing Authority's fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, the Housing Authority may skip non-ELI families on the waiting list in order to select an ELI family.

If a Housing Authority also operates a housing choice voucher (HCV) program, admissions of extremely low-income families to the Housing Authority's HCV program during a Housing Authority fiscal year that exceed the 75% minimum target requirement for the voucher program, shall be credited against the Housing Authority's basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of:

(1) Ten percent of public housing waiting list admissions during the Housing Authority fiscal year;

(2) ten percent of waiting list admissions to the Housing Authority's housing choice voucher program during the Housing Authority fiscal year; or

(3) the number of qualifying low-income families who commence occupancy during the fiscal year of Housing Authority public housing units located in census tracts with a poverty rate of 30 percent or more.

For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

Housing Authority Policy
The Housing Authority will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

Mixed Population Developments [24 CFR 960.407]
A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or the Housing Authority at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, co-head, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, co-head, or sole member is a person with disabilities [24 CFR 5.403]. The Housing Authority must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. The Housing Authority may not establish a limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, the Housing Authority must first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. The Housing Authority may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

Units Designated for Elderly or Disabled Families [24 CFR 945]
The Housing Authority may designate projects or portions of a public housing project specifically for elderly or disabled families. The Housing Authority must have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, the Housing Authority must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, the Housing Authority may allow near-elderly families to occupy the units [24 CFR 945.303(c~~)(~~) (1)]. Near-elderly family means a family whose head, spouse, or co-head is at least 50 years old, but is less than 62 [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, the Housing Authority must make available to all

other families any unit that is ready for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse affect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.303(d)(3)].

> Housing Authority Policy
> The Housing Authority does have a designated elderly housing at this time. It is located at 2525 Buthmann, Tracy, CA 95376.
>
> When there are insufficient elderly families on the waiting list who wish to reside in a designated elderly development, near-elderly families will receive a preference over other families for designated elderly units.

Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]
The Housing Authority's admission policy must be designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of the Housing Authority's deconcentration policies must be in included in its annual plan [24 CFR 903.7(b)].

The Housing Authority's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c~~)(~~) (5)].

Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a Housing Authority with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a Housing Authority with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

Steps for Implementation [24 CFR 903.2(c~~)(~~) (1)]
To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, the Housing Authority must comply with the following steps:

Step 1. The Housing Authority must determine the median income of all families residing in all the Housing Authority's covered developments.

Step 2. The Housing Authority must determine the median income, of all families residing in each covered development. In determining median income for each development, the Housing Authority has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

Step 3. The Housing Authority must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the median family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low income family (30% of median income).

Step 4. The Housing Authority with covered developments having median incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, the Housing Authority must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances the Housing Authority's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed
- Targeting investment and capital improvements toward developments with an median income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Pulling families from a different income level on the waiting list to reach another family in an effort to further the goals of deconcentration
- Providing other strategies permitted by statute and determined by the Housing Authority in consultation with the residents and the community through the annual plan process to be responsive to local needs and Housing Authority strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under the Housing Authority's deconcentration policy. The Housing Authority must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the Housing Authority's deconcentration policy [24 CFR 903.2(c~~)(~~) (4)].

If, at annual review, the median incomes at all general occupancy developments are within the EIR, the Housing Authority will be considered to be in compliance with the deconcentration requirement and no further action is required.

Housing Authority Policy

For developments outside the EIR the Housing Authority will take the following actions to provide for deconcentration of poverty and income mixing:

Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the Housing Authority.

When selecting applicants from the waiting list the Housing Authority will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The Housing Authority will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

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

Factors such as de-concentration or income mixing and income targeting will also be considered in accordance with HUD requirements and Housing Authority policy.

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~~Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and Housing Authority policy.~~

Order of Selection [24 CFR 960.206(e)]
The Housing Authority system of preferences may select families either according to the date and time of application or by a random selection process.

Housing Authority Policy
Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the Housing Authority.

When selecting applicants from the waiting list the Housing Authority will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The Housing Authority will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

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

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and Housing Authority policy.

4-III.C. NOTIFICATION OF SELECTION
When the family has been selected from the waiting list, the Housing Authority must notify the family.

Housing Authority Policy
The Housing Authority will notify the family by first class mail when it is selected from the waiting list.

A 7-Day letter of interest is sent to the prospects selected from the wait list. Attached to the 7-Day letter are: (1) Authorization for the Release of Information (HUD-9886, (2) Housing Authority Authorization for the Release of Information, (3) Things You Should know about the "One Strike Policy", (4) Criminal Background Check

All family members over the age of 18 must sign and return the copies with valid driver's licenses and social security cards. Any family member over the age of 18 must complete their own "Consumer History Application

Signed criminal background checks are submitted to the Community Police Officers for processing. Alternatively, the criminal background check may be done via NCR along with the credit check.

If the family passes the criminal background check a credit check is completed for each member of the household over the age of 18.

If the family fails the criminal background check a Notice of Ineligibility for Participation (NIP). ~~"NIP" (Notice of Ineligibility for Participation).~~ Denied families can make a written request for a conference with the Community Police Officers to receive a full disclosure of their criminal background check.

If the Prospect passes the credit and criminal background checks, the second 7-Day letter is sent. Prospects are requested to make an appointment and bring in the remainder of their eligibility paperwork.

If not all the requested documentation is provided, the Prospect is sent a Notice of Pending Eligibility (NPE) ~~"NPE" (Notice of Pending Eligibility)~~

If a notification letter is returned to the Housing Authority with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the Housing Authority from making an eligibility determination; therefore no informal hearing will be offered.

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4-III.D. THE APPLICATION INTERVIEW

HUD recommends that the Housing Authority obtain the information and documentation needed to make an eligibility determination through a private interview. **Being invited to attend an interview does not constitute admission to the program.**

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

Housing Authority Policy

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household, the spouse/co-head, and all other adult members of the household may be required to attend the interview together.

The interview will be conducted only if the head of household provides appropriate documentation of legal identity for all household members (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, the Housing Authority will proceed with the interview. If the Housing Authority determines the family is not eligible for the preference, the interview

will not proceed and the family will be placed back on the waiting list according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, the Housing Authority will provide the family with a written list of items that must be submitted.
Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For L~~l~~imited English proficient (LEP) applicants, the Housing Authority will provide translation services in accordance with the Housing Authority's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the Housing Authority in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, the Housing Authority will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without Housing Authority approval will be removed from the waiting list without further notice. ~~have their applications made inactive based on the family's failure to supply information needed to determine eligibility~~

~~.~~The second appointment letter will state that failure to appear for the appointment without a request to reschedule will be interpreted to mean that the family is no longer interested and their application will be cancelled. ~~be made inactive.~~ Such failure to act on the part of the applicant prevents the Housing Authority from making an eligibility determination, therefore the Housing Authority will not offer an informal hearing.

4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]

The Housing Authority must verify all information provided by the family (~~see~~ Chapter 7). Based on verified information related to the eligibility requirements, including Housing Authority suitability standards, the Housing Authority must make a final determination of eligibility (~~see~~ Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

Housing Authority Policy
The Housing Authority will notify a family in writing of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

The Housing Authority must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

Housing Authority Policy
If the Housing Authority determines that the family is ineligible, the Housing Authority will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing (see Chapter 14).

If the Housing Authority uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the Housing Authority can move to deny the application. (~~See~~ Section 3-III.F)~~.~~ for the Housing Authority's policy regarding such circumstances.

Chapter 5
OCCUPANCY STANDARDS AND UNIT OFFERS

INTRODUCTION

The Housing Authority must establish policies governing occupancy of dwelling units and offering dwelling units to qualified families.

This chapter contains policies for assigning unit size and making unit offers. The Housing Authority's waiting list and selection policies are contained in Chapter 4. Together, Chapters 4 and 5 of the ACOP comprise the Housing Authority's Tenant Selection and Assignment Plan (TSAP).

Policies in this chapter are organized in two parts.

> Part I: Occupancy Standards. This part contains the Housing Authority's standards for determining the appropriate unit size for families of different sizes and types.
>
> Part II: Unit Offers. This part contains the Housing Authority's policies for making unit offers, and describes actions to be taken when unit offers are refused.

PART I: OCCUPANCY STANDARDS

5-I.A. OVERVIEW

Occupancy standards are established by the Housing Authority to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. Part I of this chapter explains the occupancy standards. These standards describe the methodology and factors the Housing Authority will use to determine the size unit for which a family qualifies, and includes the identification of the minimum and maximum number of household members for each unit size. This part also identifies circumstances under which an exception to the occupancy standards may be approved.

5-I.B. DETERMINING UNIT SIZE

In selecting a family to occupy a particular unit, the Housing Authority may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].

HUD does not specify the number of persons who may live in public housing units of various sizes. Housing Authorities are permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p. 62].

Although the Housing Authority does determine the size of unit the family qualifies for under the occupancy standards, the Housing Authority does not determine who shares a bedroom/sleeping room.

The Housing Authority's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

Housing Authority Policy
The Housing Authority will use the same occupancy standards for each of its developments.

The Housing Authority's occupancy standards are as follows:

The Housing Authority will assign one bedroom for each two persons within the household, except in the following circumstances:

Persons of the opposite sex (other than spouses, and children under age 5) will not be required to share a bedroom.

Persons of different generations will not be required to share a bedroom.

Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.

Single person families will be allocated a zero or one bedroom.

Foster children will be included in determining unit size.

The Housing Authority will reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10

5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS

Types of Exceptions

Housing Authority Policy
The Housing Authority will consider granting exceptions to the occupancy standards at the family's request if the Housing Authority determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances. For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities.

When evaluating exception requests the Housing Authority will consider the size and configuration of the unit. In no case will the Housing Authority grant an exception that is in violation of local housing or occupancy codes, regulations or laws.
Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code, and the family agrees not to request a transfer for a period of two years from the date of admission, unless they have a subsequent change in family size or composition.

To prevent vacancies, the Housing Authority may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.

Processing of Exceptions

Housing Authority Policy
All requests for exceptions to the occupancy standards must be submitted in writing.
In the case of a request for exception as a reasonable accommodation, the Housing Authority will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the Housing Authority will consider the

exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.
Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source.

The Housing Authority will notify the family of its decision within 10 business days of receiving the family's request.

PART II: UNIT OFFERS
24 CFR 1.4(b)(2)(ii); 24 CFR 960.208

5-II.A. OVERVIEW
The Housing Authority must assign eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination.

In filling an actual or expected vacancy, the Housing Authority must offer the dwelling unit to an applicant in the appropriate sequence. The Housing Authority will offer the unit until it is accepted. This section describes the Housing Authority's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list. This section also describes the Housing Authority's policies for offering units with accessibility features.

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

5-II.B. NUMBER OF OFFERS

Housing Authority Policy
The Housing Authority has adopted a "two-to-three offer plan" for offering units to applicants. Under this plan, the Housing Authority will determine how many locations within its jurisdiction have available units of suitable size and type in the appropriate type of project. The number of unit offers will be based on the distribution of vacancies. If a suitable unit is available in:

- Each applicant gets one offer.
- Applicants have an incentive to accept the unit offered.
- Unless the applicant has good cause for refusing the offer, the applicant should accept it or be dropped to the bottom of or off the waiting list.
- The amount of time spent making offers to any applicant is limited to the time it takes to make one offer.
- The Housing Authority's record-keeping is limited to the offer made, whether it is accepted or refused, and whether the applicant has good cause for refusal (and is entitled to another offer).
- If Housing Authorities have short waiting lists and allow applicants refusing an offer to be dropped to the bottom of the list, applicants may refuse offers and simply wait until they arrive back at the top of the list in hopes of receiving an offer they prefer.

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5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL

Housing Authority Policy
Applicants must accept or refuse a unit offer within 3 business days of the date of the unit offer.

5-II.D. REFUSALS OF UNIT OFFERS

Good Cause for Unit Refusal

An elderly or disabled family may decline an offer for designated housing. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)].

Housing Authority Policy
Applicants may refuse to accept a unit offer for *"good cause." Good cause* includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. [PH Occ GB, p. 104]. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities

The family demonstrates to the Housing Authority's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. **Refusals due to location alone do not qualify for this good cause exemption.**

A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member

The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move

The unit has lead-based paint and the family includes children under the age of six

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse.

The Housing Authority will require documentation of good cause for unit refusals.

Unit Refusal Without Good Cause

Housing Authority Policy
When an applicant rejects the final unit offer without good cause, the Housing Authority will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14).

The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until the Housing Authority opens the waiting list.

5-II.E. ACCESSIBLE UNITS [24 CFR 8.27]

Housing Authority must adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities, and take reasonable nondiscriminatory steps to maximize the utilization of such units by eligible individuals whose disability requires the accessibility features of a particular unit.

When an accessible unit becomes vacant, before offering such units to a non-disabled applicant the Housing Authority must offer such units:

- First, to a current resident of another unit of the same development, or other public housing development under the Housing Authority's control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupant exists, then

- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, the Housing Authority may require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.

Housing Authority Policy
Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

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When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, the Housing Authority will offer the unit to a non-disabled applicant.

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

5-II.F. DESIGNATED HOUSING

When applicable, the Housing Authority's policies for offering units designated for elderly families only or for disabled families only are described in the Housing Authority's Designated Housing Plan.

~~Chapter 5~~
~~OCCUPANCY STANDARDS AND UNIT OFFERS~~

~~INTRODUCTION~~

~~The Housing Authority must establish policies governing occupancy of dwelling units and offering dwelling units to qualified families.~~

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~~HUD does not specify the number of persons who may live in public housing units of various sizes. Housing Authorities are permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p. 62].~~

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~~Housing Authority Policy~~

~~The Housing Authority will use the same occupancy standards for each of its developments.~~

~~The Housing Authority's occupancy standards are as follows:~~

~~The Housing Authority will assign one bedroom for each two persons within the household, except in the following circumstances:~~

~~Persons of the opposite sex (other than spouses, and children under age five (5) will not be required to share a bedroom.~~

~~Persons of different generations will not be required to share a bedroom.~~

~~Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.~~

~~Single person families will be allocated a zero or one bedroom.~~

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~~Foster children will be included in determining unit size.~~

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~~2~~	~~2~~	~~4~~
~~3~~	~~3~~	~~6~~
~~4~~	~~4~~	~~8~~
~~5~~	~~6~~	~~10~~

~~5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS~~

~~Types of Exceptions~~

~~Housing Authority Policy~~

~~The Housing Authority will consider granting exceptions to the occupancy standards at the family's request if the Housing Authority determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances. For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities.~~

~~When evaluating exception requests the Housing Authority will consider the size and configuration of the unit. In no case will the Housing Authority grant an exception that is in violation of local housing or occupancy codes, regulations or laws.~~

~~Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code, and the family agrees not to request a transfer for a period of two years from the date of admission, unless they have a subsequent change in family size or composition.~~

~~To prevent vacancies, the Housing Authority may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.~~

~~Processing of Exceptions~~

~~Housing Authority Policy~~

~~All requests for exceptions to the occupancy standards must be submitted in writing. In the case of a request for exception as a reasonable accommodation, the Housing Authority will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the Housing Authority will consider the~~

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~~PART II: UNIT OFFERS~~

~~24 CFR 1.4(b)(2)(ii); 24 CFR 960.208~~

~~5 II.A. OVERVIEW~~

~~The Housing Authority must assign eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination.~~

~~In filling an actual or expected vacancy, the Housing Authority must offer the dwelling unit to an applicant in the appropriate sequence. The Housing Authority will offer the unit until it is accepted. This section describes the Housing Authority's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list. This section also describes the Housing Authority's policies for offering units with accessibility features.~~

~~Housing Authority Policy~~

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

~~5 II.B. NUMBER OF OFFERS~~

~~Housing Authority Policy~~

~~The Housing Authority has adopted a "two-to-three offer plan" for offering units to applicants. Under this plan, the Housing Authority will determine how many locations within its jurisdiction have available units of suitable size and type in the appropriate type of project. The number of unit offers will be based on the distribution of vacancies. If a suitable unit is available in:~~

- ~~Each applicant gets one offer.~~
- ~~Applicants have an incentive to accept the unit offered.~~
- ~~Unless the applicant has good cause for refusing the offer, the applicant should accept it or be dropped to the bottom of or off the waiting list.~~
- ~~The amount of time spent making offers to any applicant is limited to the time it takes to make one offer.~~
- ~~The Housing Authority's record-keeping is limited to the offer made, whether it is accepted or refused, and whether the applicant has good cause for refusal (and is entitled to another offer).~~
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~~5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL~~

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~~5-II.D. REFUSALS OF UNIT OFFERS~~

~~Good Cause for Unit Refusal~~

~~An elderly or disabled family may decline an offer for designated housing. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)].~~

~~Housing Authority Policy~~
~~Applicants may refuse to accept a unit offer for *"good cause." Good cause* includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc.. [PH Occ GB, p. 104]. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:~~

~~Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities~~

~~The family demonstrates to the Housing Authority's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family.~~ **~~Refusals due to location alone do not qualify for this good cause exemption.~~**

~~A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member~~

~~The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move~~

~~TThe unit has lead-based paint and the family includes children under the age of six~~

~~In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse.~~

~~The Housing Authority will require documentation of good cause for unit refusals.~~

~~Unit Refusal Without Good Cause~~

~~Housing Authority Policy~~
~~When an applicant rejects the final unit offer without good cause, the Housing Authority will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14).~~

~~The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until the Housing Authority opens the waiting list.~~

~~5-II.E. ACCESSIBLE UNITS [24 CFR 8.27]~~
~~Housing Authority must adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities, and take reasonable nondiscriminatory steps to maximize the utilization of such units by eligible individuals whose disability requires the accessibility features of a particular unit.~~

~~When an accessible unit becomes vacant, before offering such units to a non-disabled applicant the Housing Authority must offer such units:~~

- ~~First, to a current resident of another unit of the same development, or other public housing development under the Housing Authority's control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupant exists, then~~

- ~~Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.~~

~~When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, the Housing Authority may require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.~~

~~Housing Authority Policy~~

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~~Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.~~

~~When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, the Housing Authority will offer the unit to a non-disabled applicant.~~
~~When offering an accessible unit to a non-disabled applicant, the Housing Authority will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.~~

~~5-II.F. DESIGNATED HOUSING~~

~~When applicable, the Housing Authority's policies for offering units designated for elderly families only or for disabled families only are described in the Housing Authority's Designated Housing Plan.~~

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Chapter 6

INCOME AND RENT DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

INTRODUCTION

A family's income determines eligibility for assistance and is also used to calculate the family's rent payment. The PHA will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation

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under the regulations. This chapter describes HUD regulations and PHA policies related to these topics in three parts as follows:

Part I: Annual Income. HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and PHA policies for calculating annual income are found in Part I.

Part II: Adjusted Income. Once annual income has been established HUD regulations require the PHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and PHA policies for calculating adjusted income are found in Part II.

Part III: Calculating Rent. This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining family rent payment. Also included here are flat rents and the family's choice in rents.

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PART I: ANNUAL INCOME

6-I.A. OVERVIEW

The general regulatory definition of *annual income* shown below is from 24 CFR 5.609.

5.609 Annual income.

(a) Annual income means all amounts, monetary or not, which:

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

(3) Which are not specifically excluded in paragraph [5.609(c)].

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- Annual Income Inclusions (Exhibit 6-1)
- Annual Income Exclusions (Exhibit 6-2)
- Treatment of Family Assets (Exhibit 6-3)
- Earned Income Disallowance (Exhibit 6-4)
- The Effect of Welfare Benefit Reduction (Exhibit 6-5)

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this ACOP, however, the discussions of income inclusions and exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income are discussed in Chapter 7.

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~~CChapter 6~~
~~INCOME AND RENT DETERMINATIONS~~

~~[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]~~

~~INTRODUCTION~~

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6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family

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composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

Summary of Income Included and Excluded ~~by Person~~	
Live-in aides	Income from all sources is excluded [24 CFR 5.609(c)(5)].
Foster child or foster adult	Income from all sources is excluded [24 CFR 5.609(a)(1)].
Head, spouse, or co-head Other adult family members	All sources of income not specifically excluded by the regulations are included.
Children under 18 years of age	Employment income is excluded [24 CFR 5.609(c)(1)]. All other sources of income, except those specifically excluded by the regulations, are included.
Full-time students 18 years of age or older (not head, spouse, or co-head)	Employment income above $480/year is excluded [24 CFR 5.609(c)(11)]. All other sources of income, except those specifically excluded by the regulations, are included.

Temporarily Absent Family Members
The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit. ~~[HCV GB, p. 5-18].~~

Housing Authority Policy
Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

Housing Authority Policy
When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the Housing Authority indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care
Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].

Housing Authority Policy
If a child has been placed in foster care, the Housing Authority will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

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Absent Head, Spouse, or Co-head

Housing Authority Policy
An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member**.**

Individuals Confined for Medical Reasons

Housing Authority Policy
An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, the Housing Authority will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Joint Custody of Children

Housing Authority Policy
Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family fifty (50) percent or more of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the Housing Authority will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes.

Caretakers for a Child

Housing Authority Policy
If neither a parent nor a designated guardian remains in a household receiving assistance, the Housing Authority will take the following actions.

If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.

If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for ninety (-90) days. After the ninety(-90)

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days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the Housing Authority will extend the caretaker's status as an eligible visitor.

At any time that custody or guardianship legally has been awarded to a caretaker, the lease will be transferred to the caretaker, as head of household.

During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

6-I.C. ANTICIPATING ANNUAL INCOME

The Housing Authority is required to count all income "anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date" [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

Basis of Annual Income Projection

The Housing Authority generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the Housing Authority to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected. ~~[HCV GB, p. 5-17]~~
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- The Housing Authority believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

  Housing Authority Policy

  When the Housing Authority cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the Housing Authority will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income. Anytime current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the Housing Authority to show why the historic pattern does not represent the family's anticipated income.

Known Changes in Income

If the Housing Authority verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

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Example: An employer reports that a full-time employee who has been receiving $6/hour will begin to receive $6.25/hour in the eighth week after the effective date of the reexamination. In such a case the Housing Authority would calculate annual income as follows: ($6/hour × 40 hours × 7 weeks) + ($6.25 × 40 hours × 45 weeks).

The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases the Housing Authority will calculate annual income using current circumstances and then require an interim reexamination when the change actually occurs. This requirement will be imposed even if the Housing Authority's policy on reexaminations does not require interim reexaminations for other types of changes.

Up-Front Income Verification (UIV) and Income Projection [HUD 2008 EIV Webcasts]

HUD strongly recommends the use of up-front income verification (UIV) techniques. UIV is "the verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals" [VG, p. 7]. One such source is HUD's Enterprise Income Verification (EIV) system, which maintains data on three types of income: wages, unemployment benefits, and social security (SS) and supplemental security income (SSI) benefits.

HUD allows the Housing Authority to use UIV data as third-party verification of an income source when a resident does not dispute the source. UIV data, however, is generally several months old. Therefore, except in the case of SS and SSI benefits, which are not subject to frequent or dramatic changes, HUD expects the Housing Authority to base its income projection on documentation of current circumstances provided by the resident (such as consecutive pay stubs dated within the last 60 days) or by the income source (if the PHA determines that additional verification is necessary).

~~**Using Up-Front Income Verification (UIV) to Project Income**~~
~~HUD strongly recommends the use of up-front income verification (UIV). UIV is "the verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals" [PIH Notice 2004-01 Verification Guidance ("VG"), p. 7].~~
~~HUD allows Housing Authority to use UIV information in conjunction with family-provided documents to anticipate income.~~

~~Housing Authority Policy~~
~~Housing Authority procedures for anticipating annual income will include the use of UIV methods approved by HUD in conjunction with family-provided documents dated within the last 60 days of the Housing Authority interview date.~~

~~The Housing Authority will follow "HUD Guidelines for Projecting Annual Income When Up-Front Income Verification (UIV) Data Is Available" in handling differences~~

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~~between UIV and family-provided income data. The guidelines depend on whether a difference is substantial or not. HUD defines *substantial difference* as a difference of $200 or more per month.~~

~~**No Substantial Difference.** If UIV information for a particular income source differs from the information provided by a family by less than $200 per month, the Housing Authority will follow these guidelines:~~

~~If the UIV figure is less than the family's figure, the Housing Authority will use the family's information.~~

~~If the UIV figure is more than the family's figure, the Housing Authority will use the UIV data unless the family provides documentation of a change in circumstances to explain the discrepancy (e.g., a reduction in work hours). Upon receipt of acceptable family-provided documentation of a change in circumstances, the Housing Authority will use the family-provided information.~~

~~**Substantial Difference.** If UIV information for a particular income source differs from the information provided by a family by $200 or more per month, the Housing Authority will follow these guidelines:~~

~~The Housing Authority will request written third-party verification from the discrepant income source in accordance with 24 CFR 5.236(b)(3)(i).~~

~~When the Housing Authority cannot readily anticipate income (e.g., in cases of seasonal employment, unstable working hours, or suspected fraud), the Housing Authority will review historical income data for patterns of employment, paid benefits, and receipt of other income.~~

~~The Housing Authority will analyze all UIV, third-party, and family-provided data and attempt to resolve the income discrepancy.~~

~~The Housing Authority will use the most current verified income data and, if appropriate, historical income data to calculate anticipated annual income.~~

6-I.D. EARNED INCOME

Types of Earned Income Included in Annual Income

Wages and Related Compensation [24 CFR 5.609(b)(1)]

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

Housing Authority Policy

For persons who regularly receive bonuses or commissions, the Housing Authority will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, the Housing Authority will use the prior year amounts. In either case the family may provide, and the Housing Authority will consider, a credible justification for not using this history to anticipate future bonuses or

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commissions. If a new employee has not yet received any bonuses or commissions, the Housing Authority will count only the amount estimated by the employer.

Some Types of Military Pay
All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

Types of Earned Income Not Counted in Annual Income

Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]
This type of income (including gifts) is not included in annual income.

Housing Authority Policy
Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

Children's Earnings [24 CFR 5.609(c)(1)]
Employment income earned by children (including foster children) under the age of 18 years is not included in annual income. (See Eligibility chapter for a definition of *foster children*.)

Certain Earned Income of Full-Time Students
Earnings in excess of $480 for each full-time student 18 years old or older (except for the head, spouse, or co-head) are not counted [24 CFR 5.609(c)(11)]. To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program ~~[HCV GB, p. 5-29]~~.

Income of a Live-in Aide.
Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income[24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides.)

Income Earned under Certain Federal Programs [24 CFR 5.609(c)(17)]
Income from some federal programs is specifically excluded from consideration as income, including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)

- Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b))

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- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

Resident Service Stipend [24 CFR 5.600(c)(8)(iv)]
Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed $200 per individual per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the Housing Authority's governing board. No resident may receive more than one such stipend during the same period of time.

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State and Local Employment Training Program
Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. 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 training program [24 CFR 5.609(c)(8)(v)].

Housing Authority Policy
The Housing Authority defines *training program* as "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:

(1) Classroom training in a specific occupational skill,

(2) On-the-job training with wages subsidized by the program, or (3) basic education" [expired Notice PIH 98-2, p. 3].

The Housing Authority defines *incremental earnings and benefits* as the difference between:

(1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and

(2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4].

In calculating the incremental difference, the Housing Authority will use as the pre-enrollment income the total annualized amount of the family member's welfare assistance and earnings reported on the family's most recently completed HUD-50058. End of participation in a training program must be reported in accordance with the Housing Authority's interim reporting requirements (see chapter on reexaminations).

HUD-Funded Training Programs
Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

Housing Authority Policy
To qualify as a training program, the program must meet the definition of *training program* provided above for state and local employment training programs.

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Earned Income Tax Credit. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee's payroll check.

Earned Income Disallowance. The earned income disallowance is discussed in section 6-I.E below.

6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255]

The earned income disallowance (EID) encourages people to enter the work force by not including the full value of increases in earned income for a period of time. The full text of 24 CFR 960.255 is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.

Eligibility

This disallowance applies only to individuals in families already participating in the public housing program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment. *Previously unemployed* includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.

- Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].

- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least $500.

Calculation of the Disallowance

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "prior income."

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Housing Authority Policy
The Housing Authority defines *prior income*, or *pre-qualifying income*, as the family member's last certified income prior to qualifying for the EID.

The family member's prior, or pre-qualifying, income remains constant throughout the period that he or she is receiving the EID.

Initial 12-Month Exclusion
During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive.

Housing Authority Policy
The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion and ~~Pha~~Housing Authority se-In
During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are cumulative and need not be consecutive.

Lifetime Limitation
The EID has a four-year (48-month) lifetime maximum. The four-year eligibility period begins at the same time that the initial exclusion period begins and ends 48 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.

Housing Authority Policy
During the 48-month eligibility period, the Housing Authority will conduct an interim reexamination each time there is a change in the family member's annual income that affects or is affected by the EID (e.g., when the family member's income falls to a level at or below his/her pre-qualifying income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period).

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]
Annual income includes "the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in 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" [24 CFR 5.609(b)(2)].

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Business Expenses
Net income is "gross income less business expense" ~~[HCV GB, p. 5-19]~~.

Housing Authority Policy
To determine business expenses that may be deducted from gross income, the Housing Authority will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

Business Expansion
HUD regulations do not permit the Housing Authority to deduct from gross income expenses for business expansion.

Housing Authority Policy
Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

Capital Indebtedness
HUD regulations do not permit the Housing Authority to deduct from gross income the amortization of capital indebtedness.

Housing Authority Policy
Capital indebtedness is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the Housing Authority will allow as a business expense interest, but not principal, paid on capital indebtedness.

Negative Business Income
If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

Withdrawal of Cash or Assets from a Business
HUD regulations require the Housing Authority to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

Housing Authority Policy
Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of a tenant family provided an up-front loan of $2,000 to help a business get started, the Housing Authority will not count as income any withdrawals from the business up to the amount of this loan until the loan has been

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repaid. Investments do not include the value of labor contributed to the business without compensation.

Co-owned Businesses

Housing Authority Policy

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Overview

There is no asset limitation for participation in the public housing program. However, HUD requires that the Housing Authority include in annual income the "interest, dividends, and other net income of any kind from real or personal property" [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets, the Housing Authority must determine the value of the asset in order to compute income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated

Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6-3 provides the regulatory definition of *net family assets*. This section begins with a discussion of general policies related to assets and then provides HUD rules and Housing Authority policies related to each type of asset.

General Policies

Income from Assets

The Housing Authority generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes the Housing Authority to use other than current circumstances to anticipate income when:

(1) An imminent change in circumstances is expected

(2) It is not feasible to anticipate a level of income over 12 months or

(3) The Housing Authority believes that past income is the best indicator of anticipated income.

For example, if a family member owns real property that typically receives rental income but the property is currently vacant, the Housing Authority can take into consideration past rental income along with the prospects of obtaining a new tenant.

Housing Authority Policy

Any time current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present

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information and documentation to the Housing Authority to show why the asset income determination does not represent the family's anticipated asset income.

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Valuing Assets
The calculation of asset income sometimes requires the Housing Authority to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth (e.g., the amount a buyer would pay for real estate or the balance in an investment account).

- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

  Housing Authority Policy
  Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions ~~[HCV GB, p. 5-28 and PH Occ GB, p. 121].~~.

Lump-Sum Receipts
Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) ~~[RHIIP FAQs]~~. (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

Imputing Income from Assets [24 CFR 5.609(b)(3)]
When net family assets are $5,000 or less, the Housing Authority will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of $5,000, the Housing Authority will include in annual income the greater of

(1) the actual income derived from the assets or

(2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current HUD-established passbook savings rate.

Determining Actual Anticipated Income from Assets
It may or may not be necessary for the Housing Authority to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

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Withdrawal of Cash or Liquidation of Investments
Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement fund.

Jointly Owned Assets
The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes "amounts derived (during the 12-month period) from assets to which any member of the family has access."

Housing Authority Policy
If an asset is owned by more than one person and any family member has unrestricted access to the asset, the Housing Authority will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the Housing Authority will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the Housing Authority will prorate the asset evenly among all owners.

Assets Disposed Of for Less than Fair Market Value [24 CFR 5.603(b)]
HUD regulations require the Housing Authority to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

Minimum Threshold
The Housing Authority may set a threshold below which assets disposed of for less than fair market value will not be counted ~~[HCV GB, p. 5-27]~~.

Housing Authority Policy
The Housing Authority will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than $1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual re-certifications, the family may request an interim recertification to eliminate consideration of the asset(s).

Assets placed by the family in non-revocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

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Separation or Divorce
The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

Housing Authority Policy
All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Foreclosure or Bankruptcy
Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

Housing Authority Policy
Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. The Housing Authority may verify the value of the assets disposed of if other information available to the Housing Authority does not appear to agree with the information reported by the family.

Types of Assets
Checking and Savings Accounts
For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

Housing Authority Policy
In determining the value of a checking account, the Housing Authority will use the average monthly balance for the last six months.

In determining the value of a savings account, the Housing Authority will use the current balance.

In determining the anticipated income from an interest-bearing checking or savings account, the Housing Authority will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds
Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by

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deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

Housing Authority Policy
In determining the market value of an investment account, the Housing Authority will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), the Housing Authority will calculate asset income based on the earnings for the most recent reporting period.

Equity in Real Property or Other Capital Investments
Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset [~~HCV GB~~, p. 5-25 and PH, p. 121]. Equity in real property and other capital investments is considered in the calculation of asset income except for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR 5.603(b)]
- Equity in real property when a family member's main occupation is real estate [~~HCV GB~~, p. 5-25]. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.
- Interests in Indian Trust lands [24 CFR 5.603(b)]
- Real property and capital assets that are part of an active business or farming operation [~~HCV GB~~, p. 5-25]

A family may have real property as an asset in two ways:

(1) owning the property itself and

(2) holding a mortgage or deed of trust on the property.

In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

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Housing Authority Policy

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless the Housing Authority determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

Trusts

A *trust* is a 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 Trusts

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [~~HCV GB~~, p. 5-25]. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

Non-revocable Trusts

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

Retirement Accounts

Company Retirement/Pension Accounts

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, the Housing Authority must know whether the money is accessible before retirement [~~HCV GB~~, p. 5-26].

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset [~~HCV GB~~, p. 5-26].

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [~~HCV GB~~, p. 5-26], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [~~HCV GB~~, p. 5-25].

Personal Property

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset [~~HCV GB~~, p. 5-25].

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Housing Authority Policy
In determining the value of personal property held as an investment, the Housing Authority will use the family's estimate of the value. However, the Housing Authority also may obtain an appraisal if appropriate to confirm the value of the asset. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets [24 CFR 5.603(b)].

Housing Authority Policy
Necessary personal property consists of items such as clothing, furniture, household furnishings, jewelry that is not held as an investment, and vehicles, including those specially equipped for persons with disabilities.

Life Insurance
The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets [~~HCV GB~~ 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

6-I.H. PERIODIC PAYMENTS
Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

Periodic Payments Included in Annual Income

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].

- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4)~~ and HCV, p. 5-14]~~]

Lump-Sum Payments for the Delayed Start of a Periodic Payment
Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income [CFR 5.609(b)(4)].

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Housing Authority Policy
When a delayed-start payment is received and reported during the period in which the Housing Authority is processing an annual reexamination, the Housing Authority will adjust the tenant rent retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with the Housing Authority.

See the chapter on reexaminations for information about a family's obligation to report lump-sum receipts between annual reexaminations.

Periodic Payments Excluded from Annual Income

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone) [24 CFR 5.609(c)(2)]

  Housing Authority Policy
  The Housing Authority will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [~~HCV GB~~, p. 5-18].

- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]

- Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)]

- Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]

- Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)]. *Note:* EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.

- Lump sums received as a result of delays in processing Social Security and SSI payments (see section 6-I.J.) [24 CFR 5.609(b)(4)].

6-I.I. PAYMENTS IN LIEU OF EARNINGS
Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24

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CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

The Housing Authority must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was a public housing resident at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those "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" [24 CFR 5.615(b)]

Imputed Income

When a welfare agency imposes a sanction that reduces a family's welfare income because the family commits fraud or fails to comply with the agency's economic self-sufficiency program or work activities requirement, the Housing Authority must include in annual income "imputed" welfare income. The Housing Authority must request that the welfare agency inform the Housing Authority when the benefits of a public housing resident are reduced. The imputed income is the amount the family would have received if the family had not been sanctioned.

This requirement does not apply to reductions in welfare benefits:

(1) At the expiration of the lifetime or other time limit on the payment of welfare benefits,

(2) If a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or

(3) Because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

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For special procedures related to grievance hearings based upon the Housing Authority's denial of a family's request to lower rent when the family experiences a welfare benefit reduction, see Chapter 14, Grievances and Appeals.

Offsets
The amount of the imputed income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]
Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with a tenant family.

Alimony and Child Support
The Housing Authority must count alimony or child support amounts awarded as part of a divorce or separation agreement.

Housing Authority Policy
The Housing Authority will count court-awarded amounts for alimony and child support unless the Housing Authority verifies that (1) the payments are not being made and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments [~~HCV GB~~, pp. 5-23 and 5-47].

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Regular Contributions or Gifts
The Housing Authority must count as income regular monetary and non-monetary contributions or gifts from persons not residing with a tenant family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

Housing Authority Policy
Examples of regular contributions include:

(1) Regular payment of a family's bills (e.g., utilities, telephone, cell phone, rent, credit cards, cable/satellite, personal hygiene/maintenance (hair, nails, etc.), school tuition, pet food/maintenance and car payments and insurance),

(2) Cash or other liquid assets provided to any family member on a regular basis, and

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(3) "In-kind" contributions such as groceries and clothing provided to a family on a regular basis.

Non-monetary contributions will be valued at the cost of purchasing the items, as determined by the Housing Authority. For contributions that may vary from month to month (e.g., utility payments), the Housing Authority will include an average amount based upon past history.

6-I.L. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

Other exclusions contained in 24 CFR 5.609(c) that have not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]
- The full amount of student financial assistance paid directly to the student or to the educational institution [24 CFR 5.609(c)(6)]
- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(c)(8)(ii)]
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(c)(10)]
- Adoption assistance payments in excess of $480 per adopted child [24 CFR 5.609(c)(12)]
- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17)]. HUD publishes an updated list of these exclusions periodically. It includes:

  (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))

  (b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)

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(c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))

(d) Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)

(e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))

(f) 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).)

(g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)

(h) 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 $2,000 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)

(i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under the federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu)

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

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

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

(m) The value of any child care 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)

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

(o) 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)

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

(q) 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)

(r) 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)

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

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PART II: ADJUSTED INCOME

6-II.A. INTRODUCTION

Overview

HUD regulations require Housing Authority to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family's adjusted income. Mandatory deductions are found in 24 CFR 5.611.

5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity (Housing Authority) must deduct the following amounts from annual income:

(1) $480 for each dependent;

(2) $400 for any elderly family or disabled family;

(3) The sum of the following, to the extent the sum exceeds three percent of annual income:

(i) Un-reimbursed medical expenses of any elderly family or disabled family;

(ii) Un-reimbursed 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. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and

(4) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7, Verifications.

Anticipating Expenses

Housing Authority Policy

Generally, the Housing Authority will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and non-school periods and cyclical medical expenses), the Housing Authority will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, the Housing Authority will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts

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were not paid as expected in a preceding period. The Housing Authority may require the family to provide documentation of payments made in the preceding year.

6-II.B. DEPENDENT DEDUCTION
A deduction of $480 is taken for each dependent [24 CFR 5.611(a)(1)]. *Dependent* is defined as any family member other than the head, spouse, or co-head who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION
A single deduction of $400 is taken for any elderly or disabled family [24 CFR 5.611(a)(2)]. An *elderly family* is a family whose head, spouse, co-head, or sole member is 62 years of age or older, and a *disabled family* is a family whose head, spouse, co-head, or sole member is a person with disabilities [24 CFR 5.403].

6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i)]
Un-reimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

The medical expense deduction is permitted only for families in which the head, spouse, or co-head is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted [VG, p. 28].

Definition of *Medical Expenses*
HUD regulations define *medical expenses* at 24 CFR 5.603(b) to mean "medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance."

Housing Authority Policy
The most current IRS Publication 502, *Medical and Dental Expenses*, will be used to determine the costs that qualify as medical expenses.

Summary of Allowable Medical Expenses from IRS Publication 502	
Services of medical professionals Surgery and medical procedures that are necessary, legal, non-cosmetic Services of medical facilities Hospitalization, long-term care, and in-home nursing services Prescription medicines and insulin, but not nonprescription medicines even if recommended by a doctor Improvements to housing directly related to medical needs (e.g., ramps for a wheel chair, handrails)	Substance abuse treatment programs Psychiatric treatment Ambulance services and some costs of transportation related to medical expenses The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth) Cost and continuing care of necessary service animals

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	Medical insurance premiums or the cost of a health maintenance organization (HMO)
Note: This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.	

Families That Qualify for Both Medical and Disability Assistance Expenses

Housing Authority Policy
This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the Housing Authority will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

Earned Income Limit on the Disability Assistance Expense Deduction
A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].
The disability expense deduction is capped by the amount of "earned income received by family members who are 18 years of age or older and who are able to work" because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

Housing Authority Policy
The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family's request, the Housing Authority will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When the Housing Authority determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members' incomes. ~~[PH Occ GB, p. 124]~~.

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Eligible Disability Expenses
Examples of auxiliary apparatus are provided in the *PH Occupancy Guidebook* as follows: "Auxiliary apparatus: Including wheelchairs, walkers, scooters, reading devices for persons with visual disabilities, equipment added to cars and vans to permit their use by the family member with a disability, or service animals" ~~[PH Occ GB, p. 124],~~ but only if these items are directly related to permitting the disabled person or other family member to work. ~~work [HCV GB, p. 5-30].~~
~~HUD~~~~Work.~~ HUD advises Housing Authority to further define and describe auxiliary ~~apparatus~~ apparatus~~[VG, p. 30].~~.

Eligible Auxiliary Apparatus

Housing Authority Policy
Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

Eligible Attendant Care
The family determines the type of attendant care that is appropriate for the person with disabilities.

Housing Authority Policy
Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the Housing Authority will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

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Payments to Family Members
No disability expenses may be deducted for payments to a member of a tenant family [23 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the tenant family may be deducted if they are reimbursed by an outside source.

Necessary and Reasonable Expenses
The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

> Housing Authority Policy
> The Housing Authority determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the Housing Authority will collect information from organizations that provide services and support to persons with disabilities. A family may present, and the Housing Authority will consider, the family's justification for costs that exceed typical costs in the area.

Families That Qualify for Both Medical and Disability Assistance Expenses

> Housing Authority Policy
> This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities.
>
> When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the Housing Authority will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.F. CHILD CARE EXPENSE DEDUCTION

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

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family's household [VG, p. 26]. However, child care expenses for foster children that are living in the assisted family's ~~household,~~household are included when determining the family's child care expenses.

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~~Q~~Qualifying for the Deduction

Determining Who Is Enabled to Pursue an Eligible Activity

Housing Authority Policy

The family must identify the family member(s) enabled to pursue an eligible activity. The term *eligible activity* in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family's request, the Housing Authority will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Housing Authority Policy

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the child care expense being allowed by the Housing Authority.

Furthering Education

Housing Authority Policy

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

Being Gainfully Employed

Housing Authority Policy

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

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Earned Income Limit on Child Care Expense Deduction
When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by "the amount of employment income that is included in annual income" [24 CFR 5.603(b)]. The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person who receives the earned income disallowance (EID) or a full-time student whose earned income above $480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes $15,000 but because of the EID only $5,000 is included in annual income, child care expenses are limited to $5,000.
The Housing Authority must not limit the deduction to the least expensive type of child care. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [~~HCV GB~~, p. 5-30].

> Housing Authority Policy
> When the child care expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, the Housing Authority generally will limit allowable child care expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

Eligible Child Care Expenses
The type of care to be provided is determined by the tenant family. The Housing Authority may not refuse to give a family the child care expense deduction because there is an adult family member in the household that may be available to provide child care ~~[VG, p. 26]~~..

Allowable Child Care Activities

> Housing Authority Policy
> For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.
>
> The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.
> If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, the Housing Authority will prorate the costs and allow only that portion of the expenses that

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is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Necessary and Reasonable Costs

Child care expenses will be considered necessary if:

(1) A family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and

(2) The family certifies, and the child care provider verifies, that the expenses are not paid or reimbursed by any other source.

Housing Authority Policy

Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For child care that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of child care costs, the Housing Authority will use the schedule of child care costs from the local welfare agency. Families may present, and the Housing Authority will consider, justification for costs that exceed typical costs in the area.

6-II.G. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)]

Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. If the Housing Authority offers permissive deductions, they must be granted to all families that qualify for them and should complement existing income exclusions and deductions. ~~[PH Occ GB, p. 128].~~

The *Form HUD-50058 Instruction Booklet* states that the maximum allowable amount for total permissive deductions is less than $90,000 per year.

Housing Authority Policy

The Housing Authority has opted not to use permissive deductions.

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PART III: CALCULATING RENT

6-III.A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS

The first step in calculating income-based rent is to determine each family's total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which may be paid to the family or directly to the utility company by the Housing Authority.

TTP Formula [24 CFR 5.628]

HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between $0 and $50 that is established by the Housing Authority

The Housing Authority has the right to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

Welfare Rent [24 CFR 5.628]

Housing Authority Policy
Welfare rent does not apply in this locality.

Minimum Rent [24 CFR 5.630]

Housing Authority Policy
The minimum rent for this locality is $50.

Optional Changes to Income-Based Rents [24 CFR 960.253(c)(2)~~ and PH Occ GB, pp. 131-134]~~]

Housing Authority have been given very broad flexibility to establish their own, unique rent calculation systems as long as the rent produced is not higher than that calculated using the TTP and mandatory deductions. At the discretion of the Housing Authority, rent policies may structure a system that uses combinations of permissive deductions, escrow accounts, income-based rents, and the required flat and minimum rents.

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The Housing Authority's minimum rent and rent choice policies still apply to affected families. Utility allowances are applied to Housing Authority designed income-based rents in the same manner as they are applied to the regulatory income-based rents.

The choices are limited only by the requirement that the method used not produce a TTP or tenant rent greater than the TTP or tenant rent produced under the regulatory formula.

Housing Authority Policy
The Housing Authority chooses not to adopt optional changes to income-based rents.

Ceiling Rents [24 CFR 960.253 (c)(2) and (d)]
Ceiling rents are used to cap income-based rents. They are part of the income-based formula. If the calculated TTP exceeds the ceiling rent for the unit, the ceiling rent is used to calculate tenant rent (ceiling rent/TTP minus utility allowance). Increases in income do not affect the family since the rent is capped. The use of ceiling rents fosters upward mobility and income mixing. Because of the mandatory use of flat rents, the primary function of ceiling rents now is to assist families who cannot switch back to flat rent between annual reexaminations and would otherwise be paying an income-based tenant rent that is higher than the flat rent.

Ceiling rents must be set to the level required for flat rents (which will require the addition of the utility allowance to the flat rent for properties with tenant-paid utilities). ~~[PH Occ GB, p. 135].~~

Housing Authority Policy
The Housing Authority chooses not to use ceiling rents.

Utility Reimbursement [24 CFR 960.253(c)(3)]
Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits the Housing Authority to pay the reimbursement to the family or directly to the utility provider.

Housing Authority Policy
The Housing Authority will make utility reimbursements to the family.

6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]

~~Housing Authority Policy~~
~~The financial hardship rules described below do apply in this jurisdiction because the Housing Authority has established a minimum rent of $50.~~

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Overview
The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the Housing Authority determines that a hardship exists, the TTP is the highest of the remaining components of the family's calculated TTP.

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HUD-Defined Financial Hardship
Financial hardship includes the following situations:

(1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family 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.

Housing Authority Policy
A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.
For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following

(1) Implementation of assistance, if approved, or

(2) The decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

(2) The family would be evicted because it is unable to pay the minimum rent.

Housing Authority Policy
For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or tenant-paid utilities.

(3) Family income has decreased because of changed family circumstances, including the loss of employment.

(4) A death has occurred in the family.

Housing Authority Policy
In order to qualify under this provision, a family must provide 3rd party proof the death occurred and describe in writing how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).

(5) The family has experienced other circumstances determined by the Housing Authority.

Housing Authority Policy
The Housing Authority has not established any additional hardship criteria.

Implementation of Hardship Exemption
Determination of Hardship
When a family requests a financial hardship exemption, the Housing Authority must suspend the minimum rent requirement beginning the first of the month following the family's request.

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The Housing Authority then determines whether the financial hardship exists and whether the hardship is temporary or long-term.

Housing Authority Policy
The Housing Authority defines temporary hardship as a hardship expected to last 90 days or less. Long term hardship is defined as a hardship expected to last more than 90 days.

The Housing Authority may not evict the family for nonpayment of minimum rent during the 90-day period beginning the month following the family's request for a hardship exemption.

When the minimum rent is suspended, the TTP reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

Example: Impact of Minimum Rent Exemption Assume the Housing Authority has established a minimum rent of $50.	
TTP – No Hardship	**TTP – With Hardship**
$0 30% of monthly adjusted income $35 10% of monthly gross income N/A Welfare rent $50 Minimum rent	$0 30% of monthly adjusted income $35 10% of monthly gross income N/A Welfare rent $50 Minimum rent
Minimum rent applies. TTP = $50	Hardship exemption granted. TTP = $35

Housing Authority Policy
To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

The Housing Authority will make the determination of hardship within 30 calendar days.

No Financial Hardship
If the Housing Authority determines there is no financial hardship, the Housing Authority will reinstate the minimum rent and require the family to repay the amounts suspended.
For procedures pertaining to grievance hearing requests based upon the Housing Authority's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

Housing Authority Policy
The Housing Authority will require the family to repay the suspended amount within 30 calendar days of the Housing Authority's notice that a hardship exemption has not been granted.

Temporary Hardship
If the Housing Authority determines that a qualifying financial hardship is temporary, the Housing Authority must reinstate the minimum rent from the beginning of the first of the month following the date of the family's request for a hardship exemption.

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The family must resume payment of the minimum rent and must repay the Housing Authority the amounts suspended. HUD requires the Housing Authority to offer a reasonable repayment agreement, on terms and conditions established by the Housing Authority. The Housing Authority also may determine that circumstances have changed and the hardship is now a long-term hardship.

For procedures pertaining to grievance hearing requests based upon the Housing Authority's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

Housing Authority Policy
The Housing Authority will enter into a repayment agreement in accordance with the Housing Authority's repayment agreement policy (see Chapter 16).

Long-Term Hardship
If the Housing Authority determines that the financial hardship is long-term, the Housing Authority must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

Housing Authority Policy
The hardship period ends when any of the following circumstances apply:

(1) At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.

(2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a $60/month child support payment, the hardship will continue to exist until the family receives at least $60/month in income from another source or once again begins to receive the child support.

(3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

6-III.C. UTILITY ALLOWANCES [24 CFR 965, Subpart E]

Overview
Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family's income-based rent, the Housing Authority must use the utility allowance applicable to the type of dwelling unit leased by the family.

For policies on establishing and updating utility allowances, see Chapter 16.

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Reasonable Accommodation [24 CFR 8]
On request from a family, Housing Authority must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability. ~~[PH Occ GB, p. 172]~~.

Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability. ~~[PH Occ GB, p. 172]~~. See Chapter 2 for policies related to reasonable accommodations.

Utility Allowance Revisions [24 CFR 965.507]
The Housing Authority must review its schedule of utility allowances each year. Between annual reviews, the Housing Authority must revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective ~~[PH Occ GB, p. 171]~~.

The tenant rent calculations must reflect any changes in the Housing Authority's utility allowance schedule [24 CFR 960.253(c)(3)].

> Housing Authority Policy
> Unless the Housing Authority is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

6-III.D. PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]
HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The Housing Authority must prorate the assistance provided to a mixed family. The Housing Authority will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, the Housing Authority must:

(1) Subtract the TTP from a maximum rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible.

(2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy).

(3) Multiply the member maximum subsidy by the number of eligible family members.

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(4) Subtract the subsidy calculated in the last step from the maximum rent. This is the prorated TTP.

(5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family.

Housing Authority Policy
Revised public housing maximum rents will be applied to a family's rent calculation at the first annual reexamination after the revision is adopted.

For policies related to the establishment of the public housing maximum rent see Chapter 16.

6-III.E. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253]

Flat Rents [24 CFR 960.253(b)]

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient. There is no utility allowance or reimbursement with flat rents. When the family elects to pay the flat rent, the flat rent amount quoted to the family by the Housing Authority is the amount the family pays. Changes in family income, expenses, or composition will not affect the flat rent amount because it is outside the income-based formula.

Policies related to the reexamination of families paying flat rent are contained in Chapter 9, and policies related to the establishment and review of flat rents are contained in Chapter 16.

Family Choice in Rents [24 CFR 960.253(a) and (e)]

Once each year, the Housing Authority must offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. The Housing Authority must document that flat rents were offered to families under the methods used to determine flat rents for the Housing Authority.

Housing Authority Policy
The annual Housing Authority offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual reexamination.

The Housing Authority will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process.

The Housing Authority must provide sufficient information for families to make an informed choice. This information must include the Housing Authority's policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year the Housing Authority is required to provide an income-based rent amount only in the year that a reexamination of

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income is conducted or if the family specifically requests it and submits updated income information.

Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]
A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If the Housing Authority determines that a financial hardship exists, the Housing Authority must immediately allow the family to switch from flat rent to the income-based rent.

Housing Authority Policy
Upon determination by the Housing Authority that a financial hardship exists, the Housing Authority will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

Reasons for financial hardship include:

- The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance
- The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items
- Such other situations determined by the Housing Authority to be appropriate

Housing Authority Policy
The Housing Authority considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent. ~~[PH Occ GB, p. 137].~~

Change in Flat Rents

Housing Authority Policy
Changes to flat rents, up or down, will not affect families paying flat rent until their next annual flat rent offer, at which time the family will be given the choice of switching back to income-based rent or of remaining on flat rent at the current (most recently adjusted) flat rent for their unit. ~~[PH Occ GB, pp. 137-138].~~

Flat Rents and Earned Income Disallowance [A&O FAQs]
Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.

A family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their 48 month period would have the 12 cumulative months of full (100 percent) and ~~pha~~Housing Authority se-in (50 percent) exclusion continue while paying flat rent as long as the employment that is the subject of the exclusion continues, and the 48-month lifetime limit would continue uninterrupted. A family paying flat rent could therefore see a family member's 48-month lifetime limit expire while the family is paying flat rent.

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Flat Rents and Mixed Families [A&O FAQs]
Mixed families electing to pay flat rent must first have a flat rent worksheet completed to see if the flat rent must be prorated. The worksheet is located in Appendix III of the *Form HUD-50058 Instruction Booklet*.

If the flat rent is greater than or equal to the public housing maximum rent, there is no proration of flat rent and the family pays the flat rent for the unit.

If the flat rent is less than the maximum rent, the worksheet will calculate a prorated flat rent. The mixed family will pay the prorated flat rent.

~~Flat rents effective 10-1-2007~~

~~Development~~	~~Bedroom/#~~	~~Old Rent~~	~~% of Fair Market Rent~~	~~Proposed 2007 New Rent~~	~~Amount of Increase~~	~~% of Fair Market Rent~~
~~Sierra Vista~~	~~1 bedroom~~	~~$350~~	~~49%~~	~~$459~~	~~$109~~	~~65%~~
	~~2 bedroom~~	~~$451~~	~~51%~~	~~$575~~	~~$124~~	~~66%~~
	~~3 bedroom~~	~~$534~~	~~43%~~	~~$748~~	~~$214~~	~~62%~~
	~~4 bedroom~~	~~$617~~	~~41%~~	~~$914~~	~~$297~~	~~60%~~
	~~5 bedroom~~	~~$700~~	~~N/A~~	~~$1042~~	~~$342~~	~~N/A~~
~~Conway Duplex~~	~~1 bedroom~~	~~$350~~	~~49%~~	~~$459~~	~~$109~~	~~65%~~
	~~2 bedroom~~	~~$451~~	~~51%~~	~~$575~~	~~$124~~	~~66%~~
	~~3 bedroom~~	~~$534~~	~~43%~~	~~$748~~	~~$214~~	~~62%~~
	~~4 bedroom~~	~~$617~~	~~41%~~	~~$914~~	~~$297~~	~~60%~~
~~Conway Single~~	~~3 bedroom~~	~~$731~~	~~61%~~	~~$846~~	~~$115~~	~~70%~~

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Family						
	4 bedroom	$856	56%	$1034	$178	68%
	5 bedroom	$981	N/A	$1042	$61	N/A
Tracy Duplex	1 bedroom	$368	52%	$468	$100	66%
	2 bedroom	$451	51%	$575	$124	66%
	3 bedroom	$534	43%	$748	$214	62%
	4 bedroom	$617	41%	$914	$297	60%
Tracy Quad	2 bedroom	$408	47%	$577	$169	66%
Tracy Triplex	1 bedroom	$350	49%	$459	$109	65%
	2 bedroom	$429	49%	$564	$135	64%
Tracy Single Family	3 bedroom	$682	57%	$822	$140	68%
	4 bedroom	$788	52%	$1000	$212	66%
	5 bedroom	$927	N/A	$1042	$115	75%
Thornton	1 bedroom	$350	49%	$459	$109	65%
	2 bedroom	$472	51%	$596	$124	68%
	3 bedroom	$718	60%	$840	$122	70%
	4 bedroom	$829	55%	$1030	$201	68%

Flat Rents

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Development	Bedroom/#	Flat Rent
Sierra Vista	1 bedroom	$479
	2 bedroom	$600
	3 bedroom	$780
	4 bedroom	$953
	5 bedroom	$1083
Conway Duplex	1 bedroom	$479
	2 bedroom	$600
	3 bedroom	$780
	4 bedroom	$953
Conway Single Family	3 bedroom	$882
	4 bedroom	$1078
	5 bedroom	$1083
Tracy Duplex	1 bedroom	$478
	2 bedroom	$600
	3 bedroom	$780

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	4 bedroom	$953
Tracy Quad	2 bedroom	$602
Tracy Triplex	1 bedroom	$477
	2 bedroom	$588
Tracy Single Family	3 bedroom	$857
	4 bedroom	$1043
Thornton	1 bedroom	$479
	2 bedroom	$622
	3 bedroom	$876
	4 bedroom	$1074

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EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS

24 CFR 5.609

(a) *Annual income means all amounts, monetary or not, which:*

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

(3) Which are not specifically excluded in paragraph (c) of this section.

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) *Annual income includes, but is not limited to:*

(1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

(2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in 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;

(3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) 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 $5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31[1]; and

(B) Are not otherwise excluded under paragraph (c) of this section.

(ii) 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 shall consist of:

[1] Text of 45 CFR 260.31 follows (next page).

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(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.
(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;
(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)

HHS DEFINITION OF "ASSISTANCE"

45 CFR: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

260.31 What does the term "assistance" mean?

(a)(1) The term "assistance" includes 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).
(2) It includes such benefits even when they are:
(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and
(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).
(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.
(b) [The definition of "assistance"] excludes:
(1) Non-recurrent, short-term benefits that:
(i) Are designed to deal with a specific crisis situation or episode of need;
(ii) Are not intended to meet recurrent or ongoing needs; and
(iii) Will not extend beyond four months.
(2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
(3) Supportive services such as child care and transportation provided to families who are employed;
(4) Refundable earned income tax credits;
(5) Contributions to, and distributions from, Individual Development Accounts;
(6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
(7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance.

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EXHIBIT 6-2: ANNUAL INCOME EXCLUSIONS

24 CFR 5.609

(c) *Annual income does not include the following:*

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

(2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

(3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);

(4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

(5) Income of a live-in aide, as defined in Sec. 5.403;

(6) The full amount of student financial assistance paid directly to the student or to the educational institution;

(7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

(8) (i) Amounts received under training programs funded by HUD;

(ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(iii) Amounts received by a participant 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;

(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 resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the Housing Authority's governing board. No resident may receive more than one such stipend during the same period of time;

(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 a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(9) Temporary, nonrecurring or sporadic income (including gifts);

(10) 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;

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

(12) Adoption assistance payments in excess of $480 per adopted child;

(13) [Reserved]

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

(15) 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;

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(16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to Housing Authority and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See the following chart for a list of benefits that qualify for this exclusion.]

Sources of Income Excluded by Federal Statute from Consideration as Income for Purposes of Determining Eligibility or Benefits

a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));
b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
d) Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
f) 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);
g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub.L- 94-540, 90 Stat. 2503-04);
h) The first $2000 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);
i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));
k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
m) The value of any child care 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);
n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));

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o) 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);
p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
q) 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);
r) 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
s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).

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EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS

24 CFR 5.603(b) Net Family Assets

(1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

(2) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Sec. 5.609.

(3) In determining net family assets, Housing Authority or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. 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.

(4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

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EXHIBIT 6-4: EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES

24 CFR 5.617 Self-sufficiency incentives for persons with disabilities–Disallowance of increase in annual income.

(a) *Applicable programs.* The disallowance of increase in annual income provided by this section is applicable only to the following programs: HOME Investment Partnerships Program (24 CFR part 92); Housing Opportunities for Persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and the Housing Choice Voucher Program (24 CFR part 982).

(b) *Definitions.* The following definitions apply for purposes of this section.

Disallowance. Exclusion from annual income.

Previously unemployed includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A family residing in housing assisted under one of the programs listed in paragraph (a) of this section or receiving tenant-based rental assistance under one of the programs listed in paragraph (a) of this section.

(1) Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

(2) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

(3) Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance-- provided that the total amount over a six-month period is at least $500.

(c) *Disallowance of increase in annual income—*

(1) Initial twelve month exclusion. During the cumulative twelve month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.

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(2) Second twelve month exclusion and ~~pha~~Housing Authority se-in. During the second cumulative twelve month period after the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

(3) Maximum four year disallowance. The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph (c)(1) or (c)(2) is limited to a lifetime 48 month period. The disallowance only applies for a maximum of twelve months for disallowance under paragraph (c)(1) and a maximum of twelve months for disallowance under paragraph (c)(2), during the 48 month period starting from the initial exclusion under paragraph (c)(1) of this section.

(d) *Inapplicability to admission.* The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

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EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION

24 CFR 5.615

Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

(a) *Applicability.* This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

(b) *Definitions.* The following definitions apply for purposes of this section:

Covered families. 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.

Economic self-sufficiency program. See definition at Sec. 5.603.

Imputed welfare income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Specified welfare benefit reduction.

(1) 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.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

(i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) 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

(iii) because a family member has not complied with other welfare agency requirements.

(c) *Imputed welfare income.*

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the Housing Authority by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the Housing Authority, the welfare agency will inform the 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 Housing Authority of any subsequent changes in the term or amount of such specified welfare benefit reduction. The 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 the Housing Authority's interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the Housing Authority by the welfare agency).

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(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

(5) The Housing Authority may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

(d) *Review of Housing Authority decision.*

(1) Public housing. If a public housing tenant claims that the Housing Authority has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Housing Authority denies the family's request to modify such amount, the Housing Authority shall give the tenant written notice of such denial, with a brief explanation of the basis for the Housing Authority determination of the amount of imputed welfare income. The Housing Authority notice shall also state that if the tenant does not agree with the Housing Authority determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the Housing Authority determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the Housing Authority determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with Sec. 982.555 of this title, to review the Housing Authority determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the Housing Authority denies the family's request to modify such amount, the Housing Authority shall give the family written notice of such denial, with a brief explanation of the basis for the Housing Authority determination of the amount of imputed welfare income. Such notice shall also state that if the family does not agree with the Housing Authority determination, the family may request an informal hearing on the determination under the Housing Authority hearing procedure.

(e) *Housing Authority relation with welfare agency.*

(1) The Housing Authority must ask welfare agencies to inform the Housing Authority 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 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.

(2) The 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 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.

(3) 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 Housing Authority shall be entitled to rely on the welfare agency notice to the Housing Authority of the welfare agency's determination of a specified welfare benefits reduction.

Chapter 7

VERIFICATION

[24 CFR 960.259, 24 CFR 5.230]

INTRODUCTION

The HOUSING AUTHORITY must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain the family's consent to collect the information. Applicants and tenants must cooperate with the verification process as a condition of receiving assistance. The HOUSING AUTHORITY must not pass on the cost of verification to the family.

The HOUSING AUTHORITY will follow the verification guidance provided by HUD in PIH Notice 2004-01 Verification Guidance ("VG") and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary HOUSING AUTHORITY policies.

Part I describes the general verification process. More detailed requirements related to individual factors are provided in subsequent parts including family information (Part II), income and assets (Part III), and mandatory deductions (Part IV).

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies established by the HOUSING AUTHORITY.

~~**Chapter 7**~~
~~**VERIFICATION**~~
~~[24 CFR 960.259, 24 CFR 5.230]~~

~~**INTRODUCTION**~~
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PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 960.259, 24 CFR 5.230]

The family must supply any information that the HOUSING AUTHORITY or HUD determines is necessary to the administration of the program and must consent to HOUSING AUTHORITY verification of that information [24 CFR 960.259(a)(1)].

Consent Forms

It is required that all adult applicants and tenants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the HOUSING AUTHORITY may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

Penalties for Failing to Consent [24 CFR 5.232]

If any family member who is required to sign a consent form fails to do so, the HOUSING AUTHORITY will deny admission to applicants and terminate the lease of tenants. The family may request a hearing in accordance with the HOUSING AUTHORITY's grievance procedures.

~~**PART I: GENERAL VERIFICATION REQUIREMENTS**~~

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~~If any family member who is required to sign a consent form fails to do so, the Housing Authority will deny admission to applicants and terminate the lease of tenants.~~ ~~The family may request a hearing in accordance with the Housing Authority's grievance procedures.~~

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

HUD's Verification Hierarchy [VG, p. 11-14]

HUD authorizes the HOUSING AUTHORITY to use five methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires the HOUSING AUTHORITY to use the most reliable form of verification that is available and to document the reasons when the HOUSING AUTHORITY uses a lesser form of verification.

HOUSING AUTHORITY Policy

In order of priority, the forms of verification that the HOUSING AUTHORITY will use are:

Up-front Income Verification (UIV) whenever available

Third-party Written Verification

Third-party Oral Verification

Review of Documents

Self-Certification

Each of the verification methods is discussed in subsequent sections below. Exhibit 7-1 at the end of the chapter contains an excerpt from the Verification Guidance that provides guidance with respect to how each method may be used.

Requirements for Acceptable Documents

HOUSING AUTHORITY Policy

Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 calendar days of the date they are provided to the HOUSING AUTHORITY. The documents must not be damaged, altered or in any way illegible.

The HOUSING AUTHORITY will accept documents dated up to 6 months before the effective date of the family's reexamination if the document represents the most recent scheduled report from a source. For example, if the holder of a pension annuity provides semi-annual reports, the HOUSING AUTHORITY would accept the most recent report.

Print-outs from web pages are considered original documents.

The HOUSING AUTHORITY staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy.

Any family self-certifications must be made in a format acceptable to the HOUSING AUTHORITY and must be signed in the presence of a HOUSING AUTHORITY representative or HOUSING AUTHORITY notary public.

File Documentation

The HOUSING AUTHORITY must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the HOUSING AUTHORITY has followed all of the verification policies set forth in this ACOP. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will document, in the family file, the following:

- Reported family annual income
- Value of assets
- Expenses related to deductions from annual income
- Other factors influencing the adjusted income or income-based rent determination

When the HOUSING AUTHORITY is unable to obtain 3rd party verification, the HOUSING AUTHORITY will document in the family file the reason that third-party verification was not available and will place a photocopy of the original document(s) in the family file. [24 CFR 960.259(c)(1); VG, p.15]

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

Up-front income verification (UIV) refers to the HOUSING AUTHORITY's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to the HOUSING AUTHORITY.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will inform all applicants and residents of its use of the following UIV resources during the admission and reexamination process:

1. HUD's EIV system
2. **Third-Party Written:** The Housing Authority's next choice is a written third-party verification to substantiate claims made by an applicant or resident, such as TANF, Work Number, SSI, SSA
3. **Third-Party Oral:** The Housing Authority may also use telephone verifications.
4. **Review of Documents:** The Housing Authority will review documents, when relevant, to substantiate the claim of an applicant or resident.
5. **Certification/Self-Declaration:** An affidavit, certification, or statement made under penalty of perjury, and witnessed by the Housing Authority.

The Housing Authority will allow two (2) weeks for return of third-party verifications before going to the next method. The Housing Authority will document the file as to why third-party written verification was not used. Below are some examples of acceptable file documentation:

- New admission, information not available in EIV
- New tenant, information not available in EIV
- Current tenant, information not available in EIV due to identity validation error
- Current tenant, information not available in EIV, reason unknown

There may be legitimate differences between the information provided by the family and UIV-generated information. The HOUSING AUTHORITY may not take any adverse action against a family based solely on UIV data unless the family does not dispute the data. The HOUSING AUTHORITY must independently verify any UIV data that the family disputes, and, before taking any adverse action, it must give the family the opportunity to contest the action through the HOUSING AUTHORITY's informal review/hearing processes. (For more on UIV and income projection, see section 6-I.C.)

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Use of HUD's Enterprise Income Verification (EIV) System

HUD's EIV system contains data showing earned income, unemployment benefits, and social security (SS) and supplemental security income (SSI) benefits for resident families. HUD requires the HOUSING AUTHORITY to use the EIV system. The following policies apply to use of HUD's EIV system.

The EIV system contains two main components: income reports and income discrepancy reports.

Income Reports

The data shown on income reports is updated quarterly. Data may be between three and six months old at the time reports are generated.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will obtain income reports for annual reexaminations on a monthly basis. Reports will be generated as part of the regular reexamination process.

Income reports will be compared to family-provided information as part of the annual reexamination process. When the family does not dispute the UIV data, income reports may be used to meet the regulatory requirement for third-party verification.

Income reports will be used in interim reexaminations when necessary to verify employment income, unemployment benefits, and SS/SSI benefits and to verify that families claiming zero income are not receiving income from any of these sources.

Income reports will be retained in resident files with the applicable annual or interim reexamination documents.

When the HOUSING AUTHORITY determines through income reports and independent third-party verification that a family has concealed or underreported income, corrective action will be taken pursuant to the policies in Chapter 15, "Program Integrity."

Income Discrepancy Reports (IDRs)

The income discrepancy report (IDR) is a tool for identifying families that may have concealed or underreported income. Data in the IDR represents income for past reporting periods and may be between 6 and 30 months old at the time the report is generated.

Families that have not concealed or underreported income may appear on the IDR in some circumstances, such as loss of a job or addition of new family members.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will generate and review IDRs at least semiannually. The IDR threshold percentage will be adjusted as necessary based on the findings in the IDRs.

In reviewing IDRs, the HOUSING AUTHORITY will begin with the largest discrepancies.

When the HOUSING AUTHORITY determines that a resident appearing on the IDR has not concealed or underreported income, the resident's name will be placed on a list of "false positive" reviews. To avoid multiple reviews in this situation, residents appearing on this list will be eliminated from IDR processing until a subsequent interim or annual reexamination has been completed.

When it appears that a family may have concealed or underreported income, the HOUSING AUTHORITY will request independent third-party written verification of the income in question.

When the HOUSING AUTHORITY determines through IDR review and independent third-party verification that a family has concealed or underreported income, corrective action will be taken pursuant to the policies in Chapter 15, "Program Integrity."

EIV Identity Verification

The EIV system verifies resident identities against Social Security Administration (SSA) records. These records are compared to Public and Indian Housing Information Center (PIC) data for a match on social security number, name, and date of birth.

When identity verification for a resident fails, a message will be displayed within the EIV system and no income information will be displayed.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will identify residents whose identity verification has failed as part of the annual reexamination process.

The HOUSING AUTHORITY will attempt to resolve PIC/SSA discrepancies by reviewing file documents. When the HOUSING AUTHORITY determines that discrepancies exist as a result of HOUSING AUTHORITY errors, such as spelling errors or incorrect birth dates, it will correct the errors promptly.

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

Reasonable Effort and Timing

Unless third-party verification is not required as described below, HUD requires the HOUSING AUTHORITY to make at least two unsuccessful attempts to obtain third-party verification before using another form of verification [VG, p. 15].

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will diligently seek third-party verification using a combination of written and oral requests to verification sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third-party verification is not received in a timely fashion.

The HOUSING AUTHORITY may mail, fax, e-mail, or hand-deliver third-party written verification requests and will accept third-party responses using any of these methods. The HOUSING AUTHORITY will send a written request for verification to each required source within 5 business days of securing a family's authorization for the release of the information and give the source 10 business days to respond in writing. If a response has not been received by the 11th business day, the HOUSING AUTHORITY will request third-party oral verification.

The HOUSING AUTHORITY will make a minimum of two attempts, one of which may be oral, to obtain third-party verification. A record of each attempt to contact the third-party source (including no-answer calls) and all contacts with the source will be documented in the file. Regarding third-party oral verification, HOUSING AUTHORITY staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

When any source responds orally to the initial written request for verification, the HOUSING AUTHORITY will accept the oral response as oral verification but will also request that the source complete and return any verification forms that were provided.

If a third party agrees to confirm in writing the information provided orally, the HOUSING AUTHORITY will wait no more than 5 business days for the information to be provided. If the information is not provided by the 6th business day, the HOUSING AUTHORITY will use any information provided orally in combination with reviewing family-provided documents (see below).

When Third-Party Information is Late

When third-party verification has been requested and the timeframes for submission have been exceeded, the HOUSING AUTHORITY will use the information from documents on a provisional basis. If the HOUSING AUTHORITY later receives third-party verification that differs from the amounts used in income and rent determinations and it is past the deadline for processing the reexamination, the HOUSING AUTHORITY will conduct an interim reexamination to adjust the figures used for the reexamination, regardless of the HOUSING AUTHORITY's interim reexamination policy.

When Third-Party Verification is Not Required

Primary Documents

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Certain Assets and Expenses

The HOUSING AUTHORITY may accept a self-certification from the family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

The HOUSING AUTHORITY may determine that third-party verification is not available if the asset or expense involves an insignificant amount, making it not cost-effective or reasonable to obtain third-party verification [VG, p. 15].

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will use review of documents in lieu of requesting third-party verification when the market value of an individual asset or an expense is less than $500 annually and the family has original documents that support the declared amount.

Certain Income, Asset and Expense Sources

The HOUSING AUTHORITY will determine that third-party verification is not available when it is known that an income source does not have the ability to provide written or oral third-party verification [VG, p. 15]. For example, the HOUSING AUTHORITY will rely upon review of documents when the HOUSING AUTHORITY determines that a third party's privacy rules prohibit the source from disclosing information.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will determine that third-party verification is not available when there is a service charge for verifying an asset or expense *and* the family has original documents that provide the necessary information.

If the family cannot provide original documents, the HOUSING AUTHORITY will pay the service charge required to obtain third-party verification, unless it is not cost effective in which case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family.

The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost [VG, p. 18].

The HOUSING AUTHORITY will document, in the family file, the reason that the third-party verification was not available and will place a photocopy of the original document(s) in the family file. [VG, p. 15]

~~7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS~~

~~HUD's Verification Hierarchy [VG, p. 11-14]~~

~~HUD authorizes the Housing Authority to use five methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires the Housing Authority to use the most reliable form of verification that is available and to document the reasons when the Housing Authority uses a lesser form of verification.~~

~~Housing Authority Policy~~

~~In order of priority, the forms of verification that the Housing Authority will use are:~~

- ~~Up-front Income Verification (UIV) whenever available~~
- ~~Third-party Written Verification~~
- ~~Third-party Oral Verification~~
- ~~Review of Documents~~
- ~~Self-Certification~~

~~Each of the verification methods is discussed in subsequent sections below. Exhibit 7-1 at the end of the chapter contains an excerpt from the Verification Guidance that provides guidance with respect to how each method may be used.~~

~~Requirements for Acceptable Documents~~

~~Housing Authority Policy~~

~~Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 calendar days of the date they are provided to the Housing Authority. The documents must not be damaged, altered or in any way illegible.~~

~~The Housing Authority will accept documents dated up to 6 months before the effective date of the family's reexamination if the document represents the most recent scheduled report from a source. For example, if the holder of a pension annuity provides semi-annual reports, the Housing Authority would accept the most recent report.~~

~~Print-outs from web pages are considered original documents when obtained by Housing Authority staff.~~

~~The Housing Authority staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy.~~

~~Any family self-certifications must be made in a format acceptable to the Housing Authority and must be signed in the presence of a Housing Authority representative or Housing Authority notary public.~~

~~File Documentation~~

~~The Housing Authority must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions~~

reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the Housing Authority has followed all of the verification policies set forth in this ACOP. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516]

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

1. Enterprise Income Verification (EIV): The Housing Authority utilizes HUD's Enterprise Income for a large number of individuals. This system enables the Housing Authority to check a variety of income sources for all family members, regardless of income sources reported by applicants and participants. Verification (EIV) system as an on-line source for income verification before or during a reexamination, through an independent source that systematically and uniformly maintains income information in a computerized format

The Housing Authority staff may not disclose EIV data to any third parties (EIV data is property of HUD and protected by the Federal Privacy Act). Staff may only provide EIV data to the individual (only) to whom the record pertains. EIV data of minors may be provided to the minor's parent or guardian.

1.2**Third-Party Written:** The Housing Authority's next choice is a written third-party verification to substantiate claims made by an applicant or resident.
2.3**Third-Party Oral:** The Housing Authority may also use telephone verifications.
3.4**Review of Documents:** The Housing Authority will review documents, when relevant, to substantiate the claim of an applicant or resident.
4.5**Certification/Self-Declaration:** An affidavit, certification, or statement made under penalty of perjury, and witnessed by the Housing Authority.

The Housing Authority will allow two (2) weeks for return of third-party verifications before going to the next method. The Housing Authority will document the file as to why third-party written verification was not used. Below are some examples of acceptable file documentation:

- New admission, information not available in EIV
- New tenant, information not available in EIV
- Current tenant, information not available in EIV due to identity validation error
- Current tenant, information not available in EIV, reason unknown

Definition of Substantial Difference
UIV information is used differently depending upon whether there is a *substantial difference* between information provided by the family and the UIV information. In "HUD Guidelines for Projecting Annual Income When UIV Data is Available," HUD recommends using $200 per month as the threshold for a substantial difference. The Housing Authority will use the $200 per month as the threshold for a substantial difference.

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~~See Chapter 6 for the Housing Authority's policies on the definition of substantial difference and the use of UIV to project annual income and for the Housing Authority's threshold for substantial difference.~~

~~When No Substantial Difference Exists~~
~~If UIV information does not differ substantially from family information, the UIV documentation may serve as third-party written verification.~~

~~When a Substantial Difference Exists [24 CFR 5.236(b)]~~
~~When there is a substantial difference between the information provided by the UIV source and the family, the Housing Authority must request another form of third-party written verification and use any other verification methods (in priority order) to reconcile the difference(s).~~

~~7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION~~
~~Reasonable Effort and Timing~~
~~Unless third-party verification is not required as described below, HUD requires the Housing Authority to make at least two unsuccessful attempts to obtain third-party verification before using another form of verification [VG, p. 15].~~

~~Housing Authority Policy~~
~~The Housing Authority will diligently seek third-party verification using a combination of written and oral requests to verification sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third-party verification is not received in a timely fashion.~~

~~The Housing Authority may mail, fax, e-mail, or hand deliver third-party written verification requests and will accept third-party responses using any of these methods. The Housing Authority will send a written request for verification to each required source within 5 business days of securing a family's authorization for the release of the information and give the source 10 business days to respond in writing. If a response has not been received by the 11th business day, the Housing Authority will request third-party oral verification.~~

~~The Housing Authority will make a minimum of two attempts, one of which may be oral, to obtain third-party verification.~~ **~~A record of each attempt to contact the third-party source (including no-answer calls) and all contacts with the source will be documented in the file. Regarding third-party oral verification, Housing Authority staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.~~**
~~When any source responds verbally to the initial written request for verification the Housing Authority will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.~~
~~If a third party agrees to confirm in writing the information provided orally,~~ **~~the Housing Authority will wait no more than 5 business days for the information to be provided~~**~~.~~

If the information is not provided by the 6th business day, the Housing Authority will use any information provided orally in combination with reviewing family-provided documents (see below).

When Third-Party Information is Late

When third-party verification has been requested and the timeframes for submission have been exceeded, the Housing Authority will use the information from documents on a provisional basis. If the Housing Authority later receives third-party verification that differs from the amounts used in income and rent determinations and it is past the deadline for processing the reexamination, the Housing Authority will conduct an interim reexamination to adjust the figures used for the reexamination, regardless of the Housing Authority's interim reexamination policy.

When Third-Party Verification is Not Required

Primary Documents

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Certain Assets and Expenses

The Housing Authority may accept a self-certification from the family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

The Housing Authority may determine that third-party verification is not available if the asset or expense involves an insignificant amount, making it not cost-effective or reasonable to obtain third-party verification [VG, p. 15].

Housing Authority Policy

The Housing Authority will use review of documents in lieu of requesting third-party verification when the market value of an individual asset or an expense is less than $500 annually and the family has original documents that support the declared amount.

Certain Income, Asset and Expense Sources

The Housing Authority will determine that third-party verification is not available when it is known that an income source does not have the ability to provide written or oral third-party verification .[VG, p. 15]. For example, the Housing Authority will rely upon review of documents when the Housing Authority determines that a third party's privacy rules prohibit the source from disclosing information.

Housing Authority Policy

The Housing Authority will determine that third-party verification is not available when there is a service charge for verifying an asset or expense *and* the family has original documents that provide the necessary information.

If the family cannot provide original documents, the Housing Authority will pay the service charge required to obtain third-party verification, unless it is not cost effective in which case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family.

~~The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost [VG, p. 18].~~

7-I.E. REVIEW OF DOCUMENTS

Using Review of Documents as Verification

HOUSING AUTHORITY Policy

If the HOUSING AUTHORITY has determined that third-party verification is not available or not required, the HOUSING AUTHORITY will use documents provided by the family as verification.

The HOUSING AUTHORITY may also review documents when necessary to help clarify information provided by third parties. In such cases the HOUSING AUTHORITY will document in the file how the HOUSING AUTHORITY arrived at a final conclusion about the income or expense to include in its calculations.

7-I.F. SELF-CERTIFICATION

HOUSING AUTHORITY Policy

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the HOUSING AUTHORITY.

The HOUSING AUTHORITY may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to the HOUSING AUTHORITY and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a HOUSING AUTHORITY representative or HOUSING AUTHORITY notary public.

PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will require families to furnish verification of legal identity for each household member.

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or Department of Motor Vehicle identification card U.S. military discharge (DD 214) U.S. passport Employer identification card	Certificate of birth Adoption papers Custody agreement Health and Human Services ID School records

If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided and at the HOUSING AUTHORITY's discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a format acceptable to the HOUSING AUTHORITY and be signed in the presence of a HOUSING AUTHORITY representative or HOUSING AUTHORITY notary public.

Legal identity will be verified on an as needed basis.

7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and HCV, p. 5-12]

For every family member age 6 or older, the family must provide documentation of a valid social security number (SSN), or a self-certification stating that no SSN has been issued. The self-certification must be executed personally by any family member 18 or older, or by a parent or guardian for a minor.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will also accept the following documents as evidence if the SSN is provided on the document:

Driver's license

Other identification card issued by a federal, state, or local agency, a medical insurance company or provider, or employer or trade union

Payroll stubs

Benefit award letters from government agencies; retirement benefit letters; life insurance policies

Court records (real estate, tax notices, marriage and divorce, judgment or bankruptcy records)

If the family reports an SSN but cannot provide acceptable documentation of the number, the HOUSING AUTHORITY will require a self-certification stating that documentation of the SSN cannot be provided at this time. The HOUSING AUTHORITY will require documentation of the SSN within 60 calendar days from the date of the family member's self-certification mentioned above. If the family is an applicant, assistance cannot be provided until proper documentation of the SSN is provided.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will instruct the family to obtain a duplicate card from the local Social Security Administration (SSA) office.

For individuals who are at least 62 years of age and are unable to submit the required documentation of their SSN within the initial 60-day period, the HOUSING AUTHORITY will grant an additional 60 calendar days to provide documentation.

Social security numbers must be verified only once during continuously-assisted occupancy.

If any family member obtains an SSN after admission to the program, the new SSN must be disclosed at the next regularly scheduled reexamination. In addition, if a child reaches the age of

6 and has no SSN, the parent or guardian must execute a self-certification stating that the child has no SSN at the next regularly scheduled reexamination.

The social security numbers of household members, such as live-in aids, must be verified for the purpose of conducting criminal background checks.

7-II.C. DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

HOUSING AUTHORITY Policy

If an official record of birth or evidence of social security retirement benefits cannot be provided, the HOUSING AUTHORITY will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

Age must be verified only once during continuously-assisted occupancy.

7-II.D. FAMILY RELATIONSHIPS

Applicants and tenants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

HOUSING AUTHORITY Policy

Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

HOUSING AUTHORITY Policy

Certification by the head of household is normally sufficient verification. If the HOUSING AUTHORITY has reasonable doubts about a marital relationship, the HOUSING AUTHORITY will require the family to document the marriage.

A marriage certificate generally is required to verify that a couple is married.

In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

Separation or Divorce

HOUSING AUTHORITY Policy

Certification by the head of household is normally sufficient verification. If the HOUSING AUTHORITY has reasonable doubts about a separation or divorce, the HOUSING AUTHORITY will require the family to document the divorce, or separation.

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.

A copy of a court-ordered maintenance or other court record is required to document a separation.

If no court document is available, documentation from a community-based agency will be accepted.

Absence of Adult Member

HOUSING AUTHORITY Policy

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Foster Children and Foster Adults

HOUSING AUTHORITY Policy

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

7-II.E. VERIFICATION OF STUDENT STATUS

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

The family claims full-time student status for an adult other than the head, spouse, or co-head, or

The family claims a child care deduction to enable a family member to further his or her education.

7-II.F. DOCUMENTATION OF DISABILITY

The HOUSING AUTHORITY must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The HOUSING AUTHORITY is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The HOUSING AUTHORITY may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the HOUSING AUTHORITY receives a verification document that provides such information, the HOUSING AUTHORITY will not place this information in the tenant file. Under no circumstances will the HOUSING AUTHORITY request a resident's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' Web site at **www.os.dhhs.gov**.

The HOUSING AUTHORITY may make the following inquiries, provided it makes them of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
- Inquiry about whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiry about whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

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Family Members Receiving SSA Disability Benefits

Verification of receipt of disability benefits from the Social Security Administration (SSA) is sufficient for verification of disability for the purpose of qualification for waiting list preferences or certain income disallowances and deductions [VG, p. 23].

HOUSING AUTHORITY Policy

For family members claiming disability who receive disability payments from the SSA, the HOUSING AUTHORITY will attempt to obtain information about disability benefits through HUD's Enterprise Income Verification (EIV) system. If documentation is not available through HUD's EIV system, the HOUSING AUTHORITY will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If a family member is unable to provide the document, the HOUSING AUTHORITY will ask the family to obtain a benefit verification letter either by calling SSA at 1-800-772-1213 or by requesting one from **www.ssa.gov**. Once the family receives the benefit verification letter, it will be required to provide the letter to the HOUSING AUTHORITY.

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Family Members Not Receiving SSA Disability Benefits

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.603, necessary to qualify for waiting list preferences or certain income disallowances and deductions.

HOUSING AUTHORITY Policy

For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

Overview

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. See the Eligibility chapter for detailed discussion of eligibility requirements. This chapter (7) discusses HUD and HOUSING AUTHORITY verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy [24 CFR 5.508(g)(5)]

U.S. Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

The HOUSING AUTHORITY may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

HOUSING AUTHORITY Policy

Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless the HOUSING AUTHORITY receives information indicating that an individual's declaration may not be accurate.

Eligible Immigrants

Documents Required

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-2 at the end of this chapter summarizes documents family members must provide.

HOUSING AUTHORITY Verification [HCV GB, pp 5-3 and 5-7]

For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this ACOP. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, the HOUSING AUTHORITY must verify immigration status with the U.S. Citizenship and Immigration Services (USCIS).

The HOUSING AUTHORITY will follow all USCIS protocols for verification of eligible immigration status.

7-II.H. VERIFICATION OF PREFERENCE STATUS

The HOUSING AUTHORITY must verify any preferences claimed by an applicant.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY offers a preference for working families, described in Section 4-III.B.

The HOUSING AUTHORITY may verify that the family qualifies for the working family preference based on the family's submission of the working member's most recent paycheck stub indicating that the working member works at least 20 hours per week. The paycheck stub must have been issued to the working member within the last thirty days.

The HOUSING AUTHORITY may also seek third party verification from the employer of the head, spouse, co-head or sole member of a family requesting a preference as a working family.

PART III: VERIFYING INCOME AND ASSETS

Chapter 6, Part I of this ACOP describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides HOUSING AUTHORITY policies that supplement the general verification procedures specified in Part I of this chapter.

~~7 I.E. REVIEW OF DOCUMENTS~~
~~Using Review of Documents as Verification~~

~~Housing Authority Policy~~
~~If the Housing Authority has determined that third-party verification is not available or not required, the Housing Authority will use documents provided by the family as verification.~~

~~The Housing Authority may also review documents when necessary to help clarify information provided by third parties. In such cases the Housing Authority will document in the file how the Housing Authority arrived at a final conclusion about the income or expense to include in its calculations.~~

~~7 I.F. SELF-CERTIFICATION~~

~~Housing Authority Policy~~
~~When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the Housing Authority.~~

~~The Housing Authority may require a family to certify that a family member does not receive a particular type of income or benefit.~~
~~The self-certification must be made in a format acceptable to the Housing Authority and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a Housing Authority representative or Housing Authority notary public.~~

~~PART II: VERIFYING FAMILY INFORMATION~~

~~7 II.A. VERIFICATION OF LEGAL IDENTITY~~

~~Housing Authority Policy~~
~~The Housing Authority will require families to furnish verification of legal identity for each household member.~~

~~Verification of Legal Identity for Adults~~	~~Verification of Legal Identity for Children~~
~~Certificate of birth, naturalization papers~~ ~~Church issued baptismal certificate~~ ~~Current, valid driver's license or Department of Motor Vehicle identification card~~ ~~U.S. military discharge (DD 214)~~ ~~U.S. passport~~ ~~Employer identification card~~	~~Certificate of birth~~ ~~Adoption papers~~ ~~Custody agreement~~ ~~Health and Human Services ID~~ ~~School records~~

~~If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.~~

~~If none of these documents can be provided and at the Housing Authority's discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a format acceptable to the Housing Authority and be signed in the presence of a Housing Authority representative or Housing Authority notary public. Legal identity will be verified on an as needed basis.~~

~~7 II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and HCV, p. 5-12]~~

~~For every family member age 6 or older, the family must provide documentation of a valid social security number (SSN), or a self-certification stating that no SSN has been issued. The self-certification must be executed personally by any family member 18 or older, or by a parent or guardian for a minor.~~

~~Housing Authority Policy~~
~~The Housing Authority will also accept the following documents as evidence if the SSN is provided on the document:~~

~~Driver's license~~

~~Other identification card issued by a federal, state, or local agency, a medical insurance company or provider, or employer or trade union~~

Payroll stubs

Benefit award letters from government agencies; retirement benefit letters; life insurance policies

Court records (real estate, tax notices, marriage and divorce, judgment or bankruptcy records)

If the family reports an SSN but cannot provide acceptable documentation of the number, the Housing Authority will require a self-certification stating that documentation of the SSN cannot be provided at this time. The Housing Authority will require documentation of the SSN within 60 calendar days from the date of the family member's self-certification mentioned above. If the family is an applicant, assistance cannot be provided until proper documentation of the SSN is provided.

Housing Authority Policy
The Housing Authority will instruct the family to obtain a duplicate card from the local Social Security Administration (SSA) office.

For individuals who are at least 62 years of age and are unable to submit the required documentation of their SSN within the initial 60-day period, the Housing Authority will grant an additional 60 calendar days to provide documentation.

Social security numbers must be verified only once during continuously-assisted occupancy. If any family member obtains an SSN after admission to the program, the new SSN must be disclosed at the next regularly scheduled reexamination. In addition, if a child reaches the age of 6 and has no SSN, the parent or guardian must execute a self-certification stating that the child has no SSN at the next regularly scheduled reexamination.

The social security numbers of household members, such as live-in aids, must be verified for the purpose of conducting criminal background checks.

7-II.C. DOCUMENTATION OF AGE
A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an **original document** that provides evidence of the receipt of social security retirement benefits is acceptable.

Housing Authority Policy
If an official record of birth or evidence of social security retirement benefits cannot be provided, the Housing Authority will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

~~Age must be verified only once during continuously assisted occupancy.~~

~~7-II.D. FAMILY RELATIONSHIPS~~

~~Applicants and tenants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.~~

> ~~Housing Authority Policy~~
> ~~Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.~~

~~Marriage~~

> ~~Housing Authority Policy~~
> ~~Certification by the head of household is normally sufficient verification. If the Housing Authority has reasonable doubts about a marital relationship, the Housing Authority will require the family to document the marriage.~~
>
> ~~A marriage certificate generally is required to verify that a couple is married.~~
> ~~In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).~~

~~Separation or Divorce~~

> ~~Housing Authority Policy~~
> ~~Certification by the head of household is normally sufficient verification. If the Housing Authority has reasonable doubts about a separation or divorce, the Housing Authority will require the family to document the divorce, or separation.~~
>
> ~~A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.~~
>
> ~~A copy of a court-ordered maintenance or other court record is required to document a separation.~~
>
> ~~If no court document is available, documentation from a community-based agency will be accepted.~~

~~Absence of Adult Member~~

> ~~Housing Authority Policy~~

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Foster Children and Foster Adults

Housing Authority Policy
Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

7-II.E. VERIFICATION OF STUDENT STATUS

Housing Authority Policy
The Housing Authority requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

The family claims full-time student status for an adult other than the head, spouse, or co-head, or

The family claims a child care deduction to enable a family member to further his or her education.

7-II.F. DOCUMENTATION OF DISABILITY
The Housing Authority must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The Housing Authority is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The Housing Authority may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. **If the Housing Authority receives a verification document that provides such information, the Housing Authority will not place this information in the tenant file. Under no circumstances will the Housing Authority request a resident's medical record(s).** For more information on health care privacy laws, see the Department of Health and Human Services' website at **www.os.dhhs.gov**.

The above cited regulation does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
- Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance

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- ~~Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance~~

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~~Family Members Receiving SSA Disability Benefits~~

~~Verification of receipt of SSA benefits or SSI based upon disability is sufficient for verification of disability for the purpose of qualification for waiting list preferences or certain income disallowances and deductions. [VG, p. 23].~~

~~Housing Authority Policy~~

~~For family members claiming disability who receive SSI or other disability payments from the SSA, the Housing Authority will attempt to obtain information about disability benefits through the HUD Enterprise Income Verification (EIV) system when it is available, or HUD's Tenant Assessment Subsystem (TASS). If documentation from HUD's EIV System or TASS is not available, the Housing Authority will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the Housing Authority will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from~~ **~~www.ssa.gov~~**~~. Once the applicant or resident receives the benefit verification letter they will be required to provide it to the Housing Authority.~~

~~Family Members Not Receiving SSA Disability Benefits~~

~~Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.603, necessary to qualify for waiting list preferences or certain income disallowances and deductions.~~

~~Housing Authority Policy~~

~~For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional (i.e. doctor, attorney, social worker who is not directly related to the applicant and has no direct interest) must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.~~

~~7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]~~

~~Overview~~

~~Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. See the Eligibility chapter for detailed discussion of eligibility requirements. This chapter (7) discusses HUD and Housing Authority verification requirements related to citizenship status.~~

~~The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously assisted occupancy [24 CFR 5.508(g)(5)]~~

~~U.S. Citizens and Nationals~~

~~HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.~~

~~The Housing Authority may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.~~

> ~~Housing Authority Policy~~
> ~~Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless the Housing Authority receives information indicating that an individual's declaration may not be accurate.~~

~~Eligible Immigrants~~

~~Documents Required~~

~~All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.~~

~~The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-2 at the end of this chapter summarizes documents family members must provide.~~

~~Housing Authority Verification~~ ~~[HCV GB, pp 5-3 and 5-7]~~

~~For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this ACOP. No further verification of eligible immigration status is required.~~

~~For family members under the age of 62 who claim to be eligible immigrants, the Housing Authority must verify immigration status with the U.S. Citizenship and Immigration Services (USCIS).~~

~~The Housing Authority will follow all USCIS protocols for verification of eligible immigration status.~~

~~7-II.H. VERIFICATION OF PREFERENCE STATUS~~

~~The Housing Authority must verify any preferences claimed by an applicant.~~

> ~~Housing Authority Policy~~
> ~~The Housing Authority offers a preference for working families, described in Section 4-III.B.~~

~~The Housing Authority may verify that the family qualifies for the working family preference based on the family's submission of the working member's most recent paycheck stub indicating that the working member works at least 20 hours per week. The paycheck stub must have been issued to the working member within the last thirty days. The Housing Authority may also seek third party verification from the employer of the head, spouse, co-head or sole member of a family requesting a preference as a working family.~~

~~PART III: VERIFYING INCOME AND ASSETS~~

~~Chapter 6, Part I of this ACOP describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides Housing Authority policies that supplement the general verification procedures specified in Part I of this chapter.~~

7-III.A. EARNED INCOME

Tips

HOUSING AUTHORITY Policy

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

HOUSING AUTHORITY Policy

Business owners and self-employed persons will be required to provide:

- An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify to its accuracy.
- All schedules completed for filing federal and local taxes in the preceding year.
- 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.

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The HOUSING AUTHORITY will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

At any reexamination the HOUSING AUTHORITY may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

If a family member has been self-employed less than three (3) months, the HOUSING AUTHORITY will accept the family member's certified estimate of income and schedule

an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months the HOUSING AUTHORITY will require the family to provide documentation of income and expenses for this period and use that information to project income.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits

HOUSING AUTHORITY Policy

To verify the SS/SSI benefits of applicants, the HOUSING AUTHORITY will request a current (dated within the last 60 days) SSA benefit verification letter from each family member who receives social security benefits. If a family member is unable to provide the document, the HOUSING AUTHORITY will ask the family to obtain a benefit verification letter either by calling SSA at 1-800-772-1213 or by requesting one from **www.ssa.gov**. Once the family has received the original benefit verification letter, it will be required to provide the letter to the HOUSING AUTHORITY.

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To verify the SS/SSI benefits of residents, the HOUSING AUTHORITY will obtain information about social security/SSI benefits through HUD's EIV system. If benefit information is not available in the EIV system, the HOUSING AUTHORITY will request a current (dated within the last 60 days) SSA benefit verification letter from each family member who receives social security benefits. If a family member is unable to provide the document, the HOUSING AUTHORITY will ask the family to obtain a benefit verification letter either by calling SSA at 1-800-772-1213 or by requesting one from **www.ssa.gov**. Once the family has received the benefit verification letter, it will be required to provide the letter to the HOUSING AUTHORITY.

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7-III.D. ALIMONY OR CHILD SUPPORT

HOUSING AUTHORITY Policy

The way the HOUSING AUTHORITY will seek verification for alimony and child support differs depending on whether the family declares that it receives regular payments.

If the family declares that it ***receives regular payments***, verification will be sought in the following order.

If payments are made through a state or local entity, the HOUSING AUTHORITY will request a record of payments for the past 12 months and request that the entity disclose any known information about the likelihood of future payments.

Third-party verification from the person paying the support

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

Copy of the latest check and/or payment stubs

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 the family declares that it ***receives irregular or no payments***, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts

If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

Note: Families are not required to undertake independent enforcement action.

7-III.E. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. The HOUSING AUTHORITY needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will verify the value of assets disposed of only if:

The HOUSING AUTHORITY does not already have a reasonable estimation of its value from previously collected information, or

The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly participant reported a $10,000 certificate of deposit at the last annual reexamination and the HOUSING AUTHORITY verified this amount. Now the person reports that she has given this $10,000 to her son. The HOUSING AUTHORITY has a reasonable estimate of the value of the asset; therefore, reverification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately 5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the HOUSING AUTHORITY will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

HOUSING AUTHORITY Policy

The family must provide:

A current executed lease for the property that shows the rental amount or certification from the current tenant

A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the HOUSING AUTHORITY will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

7-III.G. RETIREMENT ACCOUNTS

HOUSING AUTHORITY Policy

When third-party verification is not available the type of original document that will be accepted depends upon the family member's retirement status.

Before retirement, the HOUSING AUTHORITY will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.
Upon retirement, the HOUSING AUTHORITY will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.
After retirement, the HOUSING AUTHORITY will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

7-III.H. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part I.

The HOUSING AUTHORITY must obtain verification for income exclusions only if, without verification, the HOUSING AUTHORITY would not be able to determine whether the income is to be excluded. For example: If a family's 16 year old has a job at a fast food restaurant, the HOUSING AUTHORITY will confirm that HOUSING AUTHORITY records verify the child's age but will not send a verification request to the restaurant. However, if a family claims the earned income disallowance for a source of income, both the source and the income must be verified.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will reconcile differences in amounts reported by the third party and the family only when the excluded amount is used to calculate the family's rent (as is the case with the earned income disallowance). In all other cases, the HOUSING AUTHORITY will report the amount to be excluded as indicated on documents provided by the family.

7-III.I. ZERO ANNUAL INCOME STATUS

HOUSING AUTHORITY Policy

Families claiming to have no annual income will be required to execute verification forms to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. Special reexaminations will occur every 90 days.

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PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that the HOUSING AUTHORITY verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 (6-II.B.) for a full discussion of this deduction. The HOUSING AUTHORITY will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse or co-head of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student

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Elderly/Disabled Family Deduction

See the Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-II.C.) for a discussion of the deduction. The HOUSING AUTHORITY will verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

7-IV.B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will provide a third-party verification form directly to the medical provider requesting the needed information.

Medical expenses will be verified through:

Third-party verification form signed by the provider, when possible

If third-party is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source will be used. In this case the HOUSING AUTHORITY will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The HOUSING AUTHORITY will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months

In addition, the HOUSING AUTHORITY must verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.
- Costs incurred in past years are counted only once.

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Eligible Household

The medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least 62 or a person with disabilities. The HOUSING AUTHORITY will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter, and as described in Chapter 7 (7-IV.A) of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 (6-II.D.) for the HOUSING AUTHORITY's policy on what counts as a medical expense.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

HOUSING AUTHORITY Policy

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

Expenses Incurred in Past Years

HOUSING AUTHORITY Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, the HOUSING AUTHORITY will verify:

The anticipated repayment schedule
The amounts paid in the past, and
Whether the amounts to be repaid have been deducted from the family's annual income in past years

7-IV.C. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

Attendant Care

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

Third-party verification form signed by the provider, when possible
If third-party is not possible, copies of cancelled checks used to make attendant care payments and/or receipts from care source
If third-party or document review is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months

Auxiliary Apparatus

HOUSING AUTHORITY Policy

Expenses for auxiliary apparatus will be verified through:

- Third-party verification of anticipated purchase costs of auxiliary apparatus
- If third-party is not possible, billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months
- If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months

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In addition, the HOUSING AUTHORITY must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

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Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The HOUSING AUTHORITY will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

Family Member(s) Permitted to Work

The HOUSING AUTHORITY must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will seek third-party verification from a Rehabilitation Agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.).

If third-party and document review verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

HOUSING AUTHORITY Policy

An attendant care provider will be asked to certify that, to the best of the provider's knowledge, the expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

7-IV.D. CHILD CARE EXPENSES

Policies related to child care expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I. In addition, the HOUSING AUTHORITY must verify that:

- The child is eligible for care.
- The costs claimed are not reimbursed.
- The costs enable a family member to pursue an eligible activity.
- The costs are for an allowable type of child care.
- The costs are reasonable.

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Eligible Child

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. The HOUSING AUTHORITY will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

Unreimbursed Expense

To be eligible for the child care deduction, the costs must not be reimbursed by another source.

HOUSING AUTHORITY Policy

The child care provider will be asked to certify that, to the best of the provider's knowledge, the child care expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that the child care expenses are not paid by or reimbursed to the family from any source.

Pursuing an Eligible Activity

The HOUSING AUTHORITY must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

HOUSING AUTHORITY Policy

Information to be Gathered

The HOUSING AUTHORITY will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible the HOUSING AUTHORITY will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the HOUSING AUTHORITY will request verification from the agency of the member's job seeking efforts to date and require the family to submit to the HOUSING AUTHORITY any reports provided to the other agency.

In the event third-party verification is not available, the HOUSING AUTHORITY will provide the family with a form on which the family member must record job search efforts. The HOUSING AUTHORITY will review this information at each subsequent reexamination for which this deduction is claimed.

Furthering Education

The HOUSING AUTHORITY will ask that the academic or vocational educational institution verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered.

Gainful Employment

The HOUSING AUTHORITY will seek verification from the employer of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified.

Allowable Type of Child Care

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F).

The HOUSING AUTHORITY will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

The HOUSING AUTHORITY will verify that the child care provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses

Only reasonable child care costs can be deducted.

HOUSING AUTHORITY Policy

The actual costs the family incurs will be compared with the HOUSING AUTHORITY's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, the HOUSING AUTHORITY will request additional documentation, as required, to support a determination that the higher cost is appropriate.

7-III.A. EARNED INCOME

Tips

HOUSING AUTHORITY Policy

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

HOUSING AUTHORITY Policy

Business owners and self-employed persons will be required to provide:

An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify to its accuracy.

All schedules completed for filing federal and local taxes in the preceding year.

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.

The HOUSING AUTHORITY will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

At any reexamination the HOUSING AUTHORITY may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

If a family member has been self-employed less than three (3) months, the HOUSING AUTHORITY will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months the HOUSING AUTHORITY will require the family to provide documentation of income and expenses for this period and use that information to project income.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits

HOUSING AUTHORITY Policy

To verify the SS/SSI benefits of applicants, the HOUSING AUTHORITY will request a current (dated within the last 60 days) SSA benefit verification letter from each family member who receives social security benefits. If a family member is unable to provide the document, the HOUSING AUTHORITY will ask the family to obtain a benefit verification letter either by calling SSA at 1-800-772-1213 or by requesting one from **www.ssa.gov**. Once the family has received the original benefit verification letter, it will be required to provide the letter to the HOUSING AUTHORITY.

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To verify the SS/SSI benefits of residents, the HOUSING AUTHORITY will obtain information about social security/SSI benefits through HUD's EIV system. If benefit information is not available in the EIV system, the HOUSING AUTHORITY will request a current (dated within the last 60 days) SSA benefit verification letter from each family member who receives social security benefits. If a family member is unable to provide the document, the HOUSING AUTHORITY will ask the family to obtain a benefit verification letter either by calling SSA at 1-800-772-1213 or by requesting one from **www.ssa.gov**. Once the family has received the benefit verification letter, it will be required to provide the letter to the HOUSING AUTHORITY.

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7-III.D. ALIMONY OR CHILD SUPPORT

HOUSING AUTHORITY Policy

The way the HOUSING AUTHORITY will seek verification for alimony and child support differs depending on whether the family declares that it receives regular payments.

If the family declares that it ***receives regular payments***, verification will be sought in the following order.

If payments are made through a state or local entity, the HOUSING AUTHORITY will request a record of payments for the past 12 months and request that the entity disclose any known information about the likelihood of future payments.

Third-party verification from the person paying the support

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

Copy of the latest check and/or payment stubs

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 the family declares that it ***receives irregular or no payments***, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts

If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

Note: Families are not required to undertake independent enforcement action.

7-III.E. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. The HOUSING AUTHORITY needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will verify the value of assets disposed of only if:

The HOUSING AUTHORITY does not already have a reasonable estimation of its value from previously collected information, or

The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly participant reported a $10,000 certificate of deposit at the last annual reexamination and the HOUSING AUTHORITY verified this amount. Now the person reports that she has given this $10,000 to her son. The HOUSING AUTHORITY has a reasonable estimate of the value of the asset; therefore, re-verification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately 5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the HOUSING AUTHORITY will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

HOUSING AUTHORITY Policy

The family must provide:

A current executed lease for the property that shows the rental amount or certification from the current tenant

A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the HOUSING AUTHORITY will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

7-III.G. RETIREMENT ACCOUNTS

HOUSING AUTHORITY Policy

When third-party verification is not available the type of original document that will be accepted depends upon the family member's retirement status.

Before retirement, the HOUSING AUTHORITY will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.
Upon retirement, the HOUSING AUTHORITY will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.
After retirement, the HOUSING AUTHORITY will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

7-III.H. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part I.

The HOUSING AUTHORITY must obtain verification for income exclusions only if, without verification, the HOUSING AUTHORITY would not be able to determine whether the income is to be excluded. For example: If a family's 16 year old has a job at a fast food restaurant, the HOUSING AUTHORITY will confirm that HOUSING AUTHORITY records verify the child's age but will not send a verification request to the restaurant. However, if a family claims the earned income disallowance for a source of income, both the source and the income must be verified.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will reconcile differences in amounts reported by the third party and the family only when the excluded amount is used to calculate the family's rent (as is the case with the earned income disallowance). In all other cases, the HOUSING AUTHORITY will report the amount to be excluded as indicated on documents provided by the family.

7-III.I. ZERO ANNUAL INCOME STATUS

HOUSING AUTHORITY Policy

Families claiming to have no annual income will be required to execute verification forms to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. Special reexaminations will occur every 90 days.

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PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that the HOUSING AUTHORITY verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 (6-II.B.) for a full discussion of this deduction. The HOUSING AUTHORITY will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse or co-head of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student

Elderly/Disabled Family Deduction

See the Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-II.C.) for a discussion of the deduction. The HOUSING AUTHORITY will verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

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7-IV.B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will provide a third-party verification form directly to the medical provider requesting the needed information.

Medical expenses will be verified through:

Third-party verification form signed by the provider, when possible

If third-party is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source will be used. In this case the HOUSING AUTHORITY will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The HOUSING AUTHORITY will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months

In addition, the HOUSING AUTHORITY must verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.
- Costs incurred in past years are counted only once.

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Eligible Household

The medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least 62 or a person with disabilities. The HOUSING AUTHORITY will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter, and as described in Chapter 7 (7-IV.A) of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 (6-II.D.) for the HOUSING AUTHORITY's policy on what counts as a medical expense.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

HOUSING AUTHORITY Policy

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

Expenses Incurred in Past Years

HOUSING AUTHORITY Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, the HOUSING AUTHORITY will verify:

The anticipated repayment schedule
The amounts paid in the past, and
Whether the amounts to be repaid have been deducted from the family's annual income in past years

7-IV.C. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

Attendant Care

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

Third-party verification form signed by the provider, when possible
If third-party is not possible, copies of cancelled checks used to make attendant care payments and/or receipts from care source
If third-party or document review is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months

Auxiliary Apparatus

HOUSING AUTHORITY Policy

Expenses for auxiliary apparatus will be verified through:

Third-party verification of anticipated purchase costs of auxiliary apparatus
If third-party is not possible, billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months
If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months

In addition, the HOUSING AUTHORITY must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

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Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The HOUSING AUTHORITY will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

Family Member(s) Permitted to Work

The HOUSING AUTHORITY must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will seek third-party verification from a Rehabilitation Agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.).

If third-party and document review verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

HOUSING AUTHORITY Policy

An attendant care provider will be asked to certify that, to the best of the provider's knowledge, the expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

7-IV.D. CHILD CARE EXPENSES

Policies related to child care expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I. In addition, the HOUSING AUTHORITY must verify that:

- The child is eligible for care.
- The costs claimed are not reimbursed.
- The costs enable a family member to pursue an eligible activity.
- The costs are for an allowable type of child care.
- The costs are reasonable.

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Eligible Child

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. The HOUSING AUTHORITY will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

Unreimbursed Expense

To be eligible for the child care deduction, the costs must not be reimbursed by another source.

HOUSING AUTHORITY Policy

The child care provider will be asked to certify that, to the best of the provider's knowledge, the child care expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that the child care expenses are not paid by or reimbursed to the family from any source.

Pursuing an Eligible Activity

The HOUSING AUTHORITY must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

HOUSING AUTHORITY Policy

Information to be Gathered

The HOUSING AUTHORITY will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible the HOUSING AUTHORITY will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the HOUSING AUTHORITY will request verification from the agency of the member's job seeking efforts to date and require the family to submit to the HOUSING AUTHORITY any reports provided to the other agency.

In the event third-party verification is not available, the HOUSING AUTHORITY will provide the family with a form on which the family member must record job search efforts. The HOUSING AUTHORITY will review this information at each subsequent reexamination for which this deduction is claimed.

Furthering Education

The HOUSING AUTHORITY will ask that the academic or vocational educational institution verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered.

Gainful Employment

The HOUSING AUTHORITY will seek verification from the employer of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified.

Allowable Type of Child Care

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

HOUSING AUTHORITY Policy

The HOUSING AUTHORITY will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F).

The HOUSING AUTHORITY will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

The HOUSING AUTHORITY will verify that the child care provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses

Only reasonable child care costs can be deducted.

HOUSING AUTHORITY Policy

The actual costs the family incurs will be compared with the HOUSING AUTHORITY's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, the HOUSING AUTHORITY will request additional documentation, as required, to support a determination that the higher cost is appropriate.

~~7-III.A. EARNED INCOME~~

~~Tips~~

~~Housing Authority Policy~~

~~Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.~~

~~7-III.B. BUSINESS AND SELF-EMPLOYMENT INCOME~~

~~Housing Authority Policy~~

~~Business owners and self-employed persons will be required to provide:~~

> ~~An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify to its accuracy.~~
>
> ~~All schedules completed for filing federal and local taxes in the preceding year. 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.~~

~~The Housing Authority will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.~~

~~At any reexamination the Housing Authority may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.~~

~~If a family member has been self-employed less than three (3) months, the Housing Authority will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months the Housing Authority will require the family to provide documentation of income and expenses for this period and use that information to project income.~~

~~7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS~~
~~Social Security/SSI Benefits~~

~~Housing Authority Policy~~
~~To verify the SS/SSI benefits of applicants, the Housing Authority will request a current (dated within the last 60 days) SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s), the Housing Authority will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from **www.ssa.gov**. Once the applicant has received the benefit verification letter they will be required to provide it to the Housing Authority.~~

~~To verify the SS/SSI benefits of residents, the Housing Authority will obtain information about social security/SSI benefits through the HUD EIV System or the Tenant Assessment Subsystem (TASS). If benefit information is not available in HUD systems, the Housing Authority will request a current SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s) the Housing Authority will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from **www.ssa.gov**. Once the resident has received the benefit verification letter they will be required to provide it to the Housing Authority.~~

~~7-III.D. ALIMONY OR CHILD SUPPORT~~

~~Housing Authority Policy~~
~~The way the Housing Authority will seek verification for alimony and child support differs depending on whether the family declares that it receives regular payments.~~

~~If the family declares that it ***receives regular payments***, verification will be sought in the following order.~~

~~If payments are made through a state or local entity, the Housing Authority will request a record of payments for the past 12 months and request that the entity disclose any known information about the likelihood of future payments.~~

~~Third-party verification from the person paying the support~~

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

~~Copy of the latest check and/or payment stubs~~
~~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 the family declares that it ***receives irregular or no payments***, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts

If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

Note: Families are not required to undertake independent enforcement action.

7-III.E. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. The Housing Authority needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].

Housing Authority Policy

The Housing Authority will verify the value of assets disposed of only if:

The Housing Authority does not already have a reasonable estimation of its value from previously collected information, or

The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly participant reported a $10,000 certificate of deposit at the last annual reexamination and the Housing Authority verified this amount. Now the person reports that she has given this $10,000 to her son. The Housing Authority has a reasonable estimate of the value of the asset; therefore, re-verification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately 5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the Housing Authority will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

Housing Authority Policy

The family must provide:

A current executed lease for the property that shows the rental amount or certification from the current tenant

~~A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the Housing Authority will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.~~

~~7-III.G. RETIREMENT ACCOUNTS~~

~~Housing Authority Policy~~
~~When third-party verification is not available the type of original document that will be accepted depends upon the family member's retirement status.~~

~~*Before* retirement, the Housing Authority will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.~~

~~*Upon* retirement, the Housing Authority will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.~~

~~*After* retirement, the Housing Authority will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.~~

~~7-III.H. INCOME FROM EXCLUDED SOURCES~~

~~A detailed discussion of excluded income is provided in Chapter 6, Part I.~~

~~The Housing Authority must obtain verification for income exclusions only if, without verification, the Housing Authority would not be able to determine whether the income is to be excluded. For example: If a family's 16 year old has a job at a fast food restaurant, the Housing Authority will confirm that Housing Authority records verify the child's age but will not send a verification request to the restaurant. However, if a family claims the earned income disallowance for a source of income, both the source and the income must be verified.~~

~~Housing Authority Policy~~
~~The Housing Authority will reconcile differences in amounts reported by the third party and the family only when the excluded amount is used to calculate the family's rent (as is the case with the earned income disallowance). In all other cases, the Housing Authority will report the amount to be excluded as indicated on documents provided by the family.~~

~~7-III.I. ZERO ANNUAL INCOME STATUS~~

~~Families claiming to have no annual income will be required to execute verification forms to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.~~ ~~Special reexaminations will occur every 90 days.~~

~~PART IV: VERIFYING MANDATORY DEDUCTIONS~~

~~7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS~~

~~The dependent and elderly/disabled family deductions require only that the Housing Authority verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.~~

~~Dependent Deduction~~

~~See Chapter 6 (6-II.B.) for a full discussion of this deduction. The Housing Authority will verify that:~~

- ~~Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse or co-head of the family and is not a foster child~~

- ~~Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full-time student~~

~~Elderly/Disabled Family Deduction~~

~~See the Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-II.C.) for a discussion of the deduction. The Housing Authority will verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.~~

~~7-IV.B. MEDICAL EXPENSE DEDUCTION~~

~~Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.~~

~~Amount of Expense~~

~~Housing Authority Policy~~

~~The Housing Authority will provide a third-party verification form directly to the medical provider requesting the needed information.~~

~~Medical expenses will be verified through:~~

~~Third-party verification form signed by the provider, when possible~~

~~If third-party is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source will be used. In this case the Housing Authority will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The Housing Authority will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.~~

~~If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months~~

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In addition, **the Housing Authority must verify that:**

- **The household is eligible for the deduction.**
- **The costs to be deducted are qualified medical expenses.**
- **The expenses are not paid for or reimbursed by any other source.**
- **Costs incurred in past years are counted only once.**

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Eligible Household

The medical expense deduction is permitted only for households in which the head, spouse, or co-head is at least 62 or a person with disabilities. The Housing Authority will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter, and as described in Chapter 7 (7-IV.A) of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 (6-II.D.) for the Housing Authority's policy on what counts as a medical expense.

Un-reimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

Housing Authority Policy

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

Expenses Incurred in Past Years

Housing Authority Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, the Housing Authority will verify:

The anticipated repayment schedule

The amounts paid in the past, and

Whether the amounts to be repaid have been deducted from the family's annual income in past years

7-IV.C. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in Chapter 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

~~Amount of Expense~~
~~Attendant Care~~

~~Housing Authority Policy~~
~~The Housing Authority will provide a third-party verification form directly to the care provider requesting the needed information.~~

~~Expenses for attendant care will be verified through:~~
~~Third-party verification form signed by the provider, when possible~~

~~If third-party is not possible, copies of cancelled checks used to make attendant care payments and/or receipts from care source~~

~~If third-party or document review is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months~~

~~Auxiliary Apparatus~~

~~Housing Authority Policy~~
~~Expenses for auxiliary apparatus will be verified through:~~
~~Third-party verification of anticipated purchase costs of auxiliary apparatus~~

~~If third-party is not possible, billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months~~

~~If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months~~

~~In addition, the Housing Authority must verify that:~~

- ~~The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).~~
- ~~The expense permits a family member, or members, to work (as described in Chapter 6-II.E.).~~
- ~~The expense is not reimbursed from another source (as described in Chapter 6-II.E.).~~

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~~Family Member is a Person with Disabilities~~
~~To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The Housing Authority will verify that the expense is incurred for a person with disabilities (Chapter See 7-II.F.).~~

~~Family Member(s) Permitted to Work~~

~~The Housing Authority must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.~~

> ~~Housing Authority Policy~~
> ~~The Housing Authority will seek third-party verification from a Rehabilitation Agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.). If third-party and document review verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.~~

~~Un-reimbursed Expenses~~

~~To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.~~

> ~~Housing Authority Policy~~
> ~~An attendant care provider will be asked to certify that, to the best of the provider's knowledge, the expenses are not paid by or reimbursed to the family from any source.~~
>
> ~~The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.~~

~~7-IV.D. CHILD CARE EXPENSES~~

~~Policies related to child care expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I. In addition, the Housing Authority must verify that:~~

- ~~The child is eligible for care.~~ — **Formatted:** Bullets and Numbering
- ~~The costs claimed are not reimbursed.~~ — **Formatted:** Bullets and Numbering
- ~~The costs enable a family member to pursue an eligible activity.~~ — **Formatted:** Bullets and Numbering
- ~~The costs are for an allowable type of child care.~~ — **Formatted:** Bullets and Numbering
- ~~The costs are reasonable.~~ — **Formatted:** Bullets and Numbering

~~Eligible Child~~

~~To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. The Housing Authority will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).~~

~~Un-reimbursed Expense~~
~~To be eligible for the child care deduction, the costs must not be reimbursed by another source.~~

~~Housing Authority Policy~~
~~The child care provider will be asked to certify that, to the best of the provider's knowledge, the child care expenses are not paid by or reimbursed to the family from any source.~~

~~The family will be required to certify that the child care expenses are not paid by or reimbursed to the family from any source.~~

~~Pursuing an Eligible Activity~~
~~The Housing Authority must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.~~

~~Housing Authority Policy~~
~~*Information to be Gathered*~~
~~The Housing Authority will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.~~

~~*Seeking Work*~~
~~Whenever possible the Housing Authority will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the Housing Authority will request verification from the agency of the member's job seeking efforts to date and require the family to submit to the Housing Authority any reports provided to the other agency.~~

~~In the event third-party verification is not available, the Housing Authority will provide the family with a form on which the family member must record job search efforts. The Housing Authority will review this information at each subsequent reexamination for which this deduction is claimed.~~

~~*Furthering Education*~~
~~The Housing Authority will ask that the academic or vocational educational institution verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered.~~

Gainful Employment
The Housing Authority will seek verification from the employer of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified.

Allowable Type of Child Care
The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

Housing Authority Policy
The Housing Authority will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F).

The Housing Authority will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

The Housing Authority will verify that the child care provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses
Only reasonable child care costs can be deducted.

Housing Authority Policy
The actual costs the family incurs will be compared with the Housing Authority's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, the Housing Authority will request additional documentation, as required, to support a determination that the higher cost is appropriate.

Exhibit 7-1: Excerpt from HUD Verification Guidance Notice (PIH 2004-01, pp. 11-14)

Upfront (UIV)	Highest (Highly Recommended, highest level of third party verification)
Written 3rd Party	High (Mandatory if upfront income verification is not available or if UIV data differs substantially from tenant reported information)
Oral 3rd 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	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]			

Verification of Employment Income: [illegible]
Effective Date of Employment: [illegible]

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)
Self-Employment	Not applicable	The PHA may call a business or employer and ask questions or request that the employer mail or fax information	The PHA may call the business to verify information	The PHA may review documentation such as business records, ledgers, receipts, and/or financial statements to verify and calculate the family's net income from self-employment. Note: The PHA must document in the tenant file the source of the documents. Note: The PHA may accept documentation from the family only when written third party verification is not available	The PHA may accept a notarized statement or affidavit from the tenant that declares the family's net income from self-employment. Note: The PHA must document in the tenant file the reason third party verification was not available
Verification of Self-Employment Income: The [illegible] shall use the PHA's to obtain third party verification of self-employment income. When third party verification is not available, the PHA shall [illegible] the tenant [illegible]
Social Security Benefits	The PHA may review a letter from SSA, a benefit award or benefit notice, or other SSA document specifying the amount of benefit	The PHA may call or fax or mail a request for benefit information directly to the local SSA office. Note: Social Security Benefit information is available in some instances because SSA makes this data available through TASS. SSA encourages PHAs to use TASS.	The PHA may call SSA with the tenant present to verify benefit information. Note: Not available in some instances because SSA makes this data available through TASS. SSA encourages PHAs to use TASS.	The PHA may review a recent SSA Notice of Benefits. 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
Welfare Benefits	The PHA may review a letter or other document from the Local Social Services Agency that specifies benefit amount, date benefit ends, and the reason	The PHA may fax or mail a request for benefit information to the Local Social Services Agency to obtain welfare benefit information	The PHA may call the Local Social Services Agency to obtain information between parties	The PHA may review a letter or other document from the Local Social Services Agency specifying benefit amount. 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 welfare benefits. Note: The PHA must document in the tenant file the reason third party verification was not available

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(HCV 7.2.2)	(HCV 7.2.4)	(HCV 7.2.3)	(HCV 7.2.2)	(HCV 7.2.1)
Child Support	The PHA may, [illegible] Child Support Enforcement Agency to verify child support payments.	The PHA may, [illegible] Child Support Enforcement Agency to verify child support payments.	The PHA may call the local Child Support Enforcement Agency to verify child support payments.	The PHA may review [illegible] Child Support Enforcement Agency provided [illegible] Note: The PHA must document in the file the reason that [illegible]	The PHA may accept a written statement [illegible] Note: The PHA must document in the file the reason that [illegible]
Unemployment Benefits	The PHA may [illegible] State Wage Information Collection Agency [illegible] Use UIVS [illegible] available	The PHA may [illegible] State Wage Information Collection Agency to verify unemployment benefits.	The PHA may call the State Wage Information Collection Agency to verify unemployment benefits.	The PHA may review [illegible] State Wage Information Collection Agency provided for the exam. Note: The PHA must document in the file the reason that [illegible]	The PHA may accept a written statement [illegible] Note: The PHA must document in the file the reason that [illegible]
Welfare	The PHA may [illegible] Federal, State, or Local Government Agency to verify [illegible]	The PHA may [illegible]	The PHA may call the person provide to obtain current [illegible]	The PHA may review a signed [illegible] Note: The PHA must document in the file the reason that [illegible]	The PHA may accept a [illegible] Note: The PHA must document in the file the reason that [illegible]

Income Type	Upfront	Written Third Party	Oral Third Party	Document Review	Tenant Declaration
	(LEVEL 5)	(LEVEL 4)	(LEVEL 3)	(LEVEL 2)	(LEVEL 1)
Assets	[illegible]	[illegible]	[illegible]	The PHA may accept documentation provided by the tenant. Note: The PHA must document in the tenant file, the reason third party verification was not available.	[illegible] Note: The PHA must document in the tenant file, the reason third party verification was not available.
Comments	[illegible]	[illegible]	[illegible]		[illegible] Notarized statement should include a penalty perjury statement.

Note: The PHA must not pass verification costs along to the participant.

Note: In rare circumstances the PHA cannot reasonably prepare an income estimate. The PHA may elect to complete regular rent calculations (this policy should be part of the PHA's written policies.)

Exhibit 7-2: Summary of Documentation Requirements for Noncitizens
[~~HCV GB~~, pp. 5-9 and 5-10)

<table>
<tr><td colspan="2">• All noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the Housing Authority.
• Except for persons 62 or older, all noncitizens must sign a verification consent form
• Additional documents are required based upon the person's status.</td></tr>
<tr><td colspan="2">Elderly Noncitizens
• A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.</td></tr>
<tr><td colspan="2">All other Noncitizens
• Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below.</td></tr>
<tr><td>• Form I-551 Alien Registration Receipt Card (for permanent resident aliens)
• Form I-94 Arrival-Departure Record annotated with one of the following:
  • “Admitted as a Refugee Pursuant to Section 207”
  • “Section 208” or “Asylum”
  • “Section 243(h)” or “Deportation stayed by Attorney General”
  • “Paroled Pursuant to Section 221 (d)(5) of the USCIS”</td><td>• Form I-94 Arrival-Departure Record with no annotation accompanied by:
  • A final court decision granting asylum (but only if no appeal is taken);
  • A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90);
  • A court decision granting withholding of deportation; or
  • A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).</td></tr>
<tr><td>• Form I-688 Temporary Resident Card annotated “Section 245A” or Section 210”.</td><td>Form I-688B Employment Authorization Card annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”.</td></tr>
<tr><td colspan="2">• A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified; or
• Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register</td></tr>
</table>

Chapter 8
LEASING AND INSPECTIONS
[24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

INTRODUCTION
Public housing leases are the basis of the legal relationship between the Housing Authority and the tenant. All units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations.

HUD rules also require the Housing Authority to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, the Housing Authority may require additional inspections in accordance with Housing Authority policy.

This chapter is divided into two parts as follows:

> Part I: Leasing. This part describes pre-leasing activities and the Housing Authority's policies pertaining to lease execution, modification, and payments under the lease.
>
> Part II: Inspections. This part describes the Housing Authority's policies for inspecting dwelling units.

PART I: LEASING

8-I.A. OVERVIEW

An eligible family may occupy a public housing dwelling unit under the terms of a lease. The lease must meet all regulatory requirements, and must also comply with applicable state and local laws and codes.

The term of the lease must be for a period of 12 months. The lease must be renewed automatically for another 12-month term, except that the Housing Authority may not renew the lease if the family has violated the community service requirement [24 CFR 966.4(a)(2)].
Part I of this chapter contains regulatory information, when applicable, as well as the Housing Authority's policies governing leasing issues.

8-I.B. LEASE ORIENTATION

Housing Authority Policy
After unit acceptance but prior to occupancy, a Housing Authority representative will provide a lease orientation to the family. The head of household or spouse is required to attend.

Orientation Agenda

Housing Authority Policy
When families attend the lease orientation, at a minimum they will be provided with:

A copy of the lease

A copy of the Housing Authority's grievance procedure

A copy of the house rules

A copy of the Housing Authority's schedule of maintenance charges

A copy of the pamphlet *Protect Your Family From Lead in Your Home*

A copy of *Things You Should Know* (HUD-1140-OIG)

Topics to be discussed at a minimum will include:

Applicable deposits and other charges

Review and explanation of lease provisions

Unit maintenance and work orders

The Housing Authority's reporting requirements

Explanation of occupancy forms

Community service requirements

Family choice of rent

8-I.C. EXECUTION OF LEASE
The lease must be executed by the tenant and the Housing Authority, except for automatic renewals of a lease [24 CFR 966.4(a)(3)].

A lease is executed at the time of admission for all new residents. A new lease is also executed at the time of transfer from one Housing Authority unit to another.
The lease must state the composition of the household as approved by the Housing Authority (family members and any Housing Authority-approved live-in aide) [24 CFR 966.4(a)(1)(v)]. See Section 8-I.D. for policies regarding changes in family composition during the lease term.

Housing Authority Policy
The head of household, spouse or co-head, and all other adult members of the household will be required to sign the public housing lease prior to admission. An appointment will be scheduled for the parties to execute the lease. The head of household will be provided a copy of the executed lease and the Housing Authority will retain a copy in the resident's file.

Files for households that include a live-in aide will contain file documentation signed by the live-in aide, that the live-in aide is not a party to the lease and is not entitled to Housing Authority assistance. The live-in aide is only approved to live in the unit while serving as the attendant for the participant family member.

8-I.D. MODIFICATIONS TO THE LEASE
The lease may be modified at any time by written agreement of the tenant and the Housing Authority [24 CFR 966.4(a)(3)].

Modifications to the Lease Form
The Housing Authority may modify its lease from time to time. However, the Housing Authority must give residents 30 days advance notice of the proposed changes and an opportunity to comment on the changes. The Housing Authority must also consider any comments before formally adopting the new lease [24 CFR 966.3].

After proposed changes have been incorporated into the lease and approved by the Board of Commissioners, each family must be notified at least 60 days in advance of the effective date of the new lease or lease revision. A resident's refusal to accept permissible and reasonable lease modifications that are made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy [24 CFR 966.4(l)(2)(iii)(E)].

Housing Authority Policy
The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 day timeframe, the family's tenancy will be terminated for other good cause in accordance with the policies in Chapter 13.

Schedules of special charges and rules and regulations are subject to modification or revision. Because these schedules are incorporated into the lease by reference, residents and resident organizations must be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions, and must be given an opportunity to present written comments. The notice must be delivered directly or mailed to each tenant; and posted in the rental office. Comments must be taken into consideration before any proposed modifications or revisions become effective [24 CFR 966.5].

After the proposed revisions become effective they must be publicly posted in a conspicuous manner in the project office and must be furnished to applicants and tenants on request [24 CFR 966.5].

Housing Authority Policy
When the Housing Authority proposes to modify or revise schedules of special charges or rules and regulations, the Housing Authority will post a copy of the notice in the central office, and will mail a copy of the notice to each resident family. Documentation of proper notice will be included in each resident file.

Other Modifications

Housing Authority Policy
The lease will be amended to reflect all changes in family composition.

If, for any reason, any member of the household ceases to reside in the unit, the lease will be amended by drawing a line through the person's name. The head of household and Housing Authority will be required to initial and date the change.

If a new household member is approved by the Housing Authority to reside in the unit, the person's name and birth date will be added to the lease. The head of household and Housing Authority will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the lease.

Policies governing when and how changes in family composition must be reported are contained in Chapter 9, Reexaminations.

8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)]

The Housing Authority will require security deposits. The amount of the security deposit cannot exceed one month's rent or a reasonable fixed amount as determined by the Housing Authority. The Housing Authority may allow for gradual accumulation of the security deposit by the family, or the family may be required to pay the security deposit in full prior to occupancy.

Subject to applicable laws, interest earned on security deposits may be refunded to the tenant after vacating the unit, or used for tenant services or activities.

Housing Authority Policy

Upon signing a lease agreement and in addition to the monthly rent, a resident shall pay a security deposit as follows before occupying the unit:

A. *1 Bedroom Units: a minimum Security Deposit of $300 or one month's Total Tenant Payment (TTP) rent, whichever is higher. The Security Deposit is not to exceed $500*

B. *2-3 Bedroom Units: a minimum Security Deposit of $500 or one month's Total Tenant Payment (TTP) rent, whichever is higher. The Security Deposit is not to exceed $750.*

C. *4-5 Bedroom Units: a minimum Security Deposit of $800 or one month's Total Tenant Payment (TTP) rent, whichever is higher. The Security Deposit is not to exceed $1000.*

The Housing Authority will hold the security deposit for the period the family occupies the unit. The Housing Authority will not use the security deposit for rent or other charges while the resident is living in the unit.

Within 21 calendar days of move-out, the Housing Authority will refund to the resident the amount of the security deposit (including interest earned on the security deposit), less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease.

The Housing Authority will provide the resident with a written list of any charges against the security deposit within 21 calendar days of the move-out inspection. If the resident disagrees with the amount charged, the Housing Authority will provide a meeting to discuss the charges.

If the resident transfers to another unit, the Housing Authority will transfer the security deposit to the new unit. The tenant will be billed for any maintenance or other charges due for the "old" unit.

8-I.F. PAYMENTS UNDER THE LEASE

Rent Payments [24 CFR 966.4(b)(1)]

Families must pay the amount of the monthly tenant rent determined by the Housing Authority in accordance with HUD regulations and other requirements. The amount of the tenant rent is subject to change in accordance with HUD requirements.

The lease must specify the initial amount of the tenant rent at the beginning of the initial lease term, and the Housing Authority must give written notice stating any change in the amount of tenant rent and when the change is effective.

Housing Authority Policy

The tenant rent is due and payable at the Housing Authority-designated location by the 7th calendar day of the month. ~~on the first of every month.~~ If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

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If a family's tenant rent changes, the Housing Authority will notify the family of the new amount and the effective date by sending a "Notice of Rent Adjustment" which will become an attachment to the lease.

Late Fees and Nonpayment

The lease must provide that late payment fees are not due and collectible until two weeks after the Housing Authority gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the Housing Authority grievance procedures. The Housing Authority must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

Housing Authority Policy

If the family fails to pay their rent by the seventh calendar day of the month, and the Housing Authority has not agreed to accept payment at a later date, a 14 day Notice to Pay Rent or Quit will be issued to the resident for failure to pay rent, demanding payment in full or the surrender of the premises.

In addition, if the resident fails to make payment by the end of office hours on the seventh calendar day of the month, a late fee of $25.00 will be charged. Notices of late fees will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the Housing Authority may not take action for nonpayment of the fee until the conclusion of the grievance process. If the resident can document financial hardship, the late fee may be waived on a case-by-case basis.

Rental payments are to be paid by money order, certified check or personal check. All personals checks must be printed with the residents name and current address. No two party checks will be accepted. A returned check fee of $50 will be charged to the tenant's account and the tenant will no longer be eligible to pay with a personal check.

Excess Utility Charges

The lease must state the basis for the determination of excess utility charges. The imposition of charges for consumption of excess utilities is permissible only if the charges are determined by an individual check meter servicing the leased unit or result from the use of major tenant-supplied appliances [24 CFR 966.4(b)(2)].

Schedules of special charges for utilities that are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and tenants on request [24 CFR 966.5].

The lease must provide that charges for excess utility consumption are not due and collectible until two weeks after the Housing Authority gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the Housing Authority grievance procedures. The Housing Authority must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

> Housing Authority Policy
> When applicable, families will be charged for excess utility usage according to the Housing Authority's current posted schedule. Notices of excess utility charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the Housing Authority may not take action for nonpayment of the charges until the conclusion of the grievance process.
>
> Nonpayment of excess utility charges is a violation of the lease and is grounds for eviction.

Maintenance and Damage Charges

If the Housing Authority charges the tenant for maintenance and repair beyond normal wear and tear, the lease must state the basis for the determination of such charges [24 CFR 966.4(b)(2)]. Schedules of special charges for services and repairs which are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and tenants on request [24 CFR 966.5].

The lease must provide that charges for maintenance and repair beyond normal wear and tear are not due and collectible until two weeks after the Housing Authority gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the Housing Authority grievance procedures. The Housing Authority must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

Housing Authority Policy

For tenant charged damages ~~When applicable,~~ families will be charged for maintenance and/or damages according to the Housing Authority's current schedule. Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable).

Notices of maintenance and damage charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the Housing Authority may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

PART II: INSPECTIONS

8-II.A. OVERVIEW

HUD rules require the Housing Authority to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, the Housing Authority may require additional inspections, in accordance with Housing Authority Policy. This part contains the Housing Authority's policies governing inspections, notification of unit entry, and inspection results.

8-II.B. TYPES OF INSPECTIONS

Move-In Inspections [24 CFR 966.4(i)]

The lease must require the Housing Authority and the family to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by the Housing Authority and the resident, must be provided to the tenant and be kept in the resident file.

> Housing Authority Policy
>
> The Head of Household must attend the initial inspection and sign the inspection form (Exhibit A).

Move-Out Inspections [24 CFR 966.4(i)]

The Housing Authority must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes, unless the tenant vacates without notice to the Housing Authority. The Housing Authority must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear. The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.

> Housing Authority Policy
>
> When applicable, the Housing Authority will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 21 business days of conducting the move-out inspection.

Annual Inspections

Under the Public Housing Assessment System (~~PHA~~HOUSING AUTHORITY S), the Housing Authority is required to inspect all occupied units annually using HUD's Uniform Physical Condition Standards (UPCS) [24 CFR 902.43(a)(4)].

Quality Control Inspections

The purpose of quality control inspections is to assure that all defects were identified in the original inspection, and that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame

Housing Authority Policy
On an annual basis, the Housing Authority will conduct supervisory quality control inspections, on 5 percent of all units, or 5 total units, whichever is greater. Quality control inspections will be completed within 45 days of the original inspection.

Special Inspections

Housing Authority Policy
A Housing Services Manager, Maintenance Supervisor, Compliance Supervisor, or a Resident Manager may conduct a special inspection for any of the following reasons:

Housekeeping

Unit condition

Suspected lease violation

Preventive maintenance

Routine maintenance

There is reasonable cause to believe an emergency exists

Other Inspections

Housing Authority Policy
Building exteriors, grounds, common areas and systems will be inspected according to the Housing Authority's maintenance plan.

8-II.C. NOTICE AND SCHEDULING OF INSPECTIONS

Notice of Entry

Non-emergency Entries [24 CFR 966.4(j)(1)]

The Housing Authority may enter the unit, with reasonable advance notification to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing. A written statement specifying the purpose of the Housing Authority entry delivered to the dwelling unit at least forty-eight hours ~~two days~~ before such entry is considered reasonable advance notification.

Housing Authority Policy
The Housing Authority will notify the resident in writing at least 48 hours prior to any non-emergency inspection.

For regular annual inspections, the family will receive at least 2 weeks written notice of the inspection to allow the family to prepare the unit for the inspection.

Entry for repairs requested by the family will not require prior notice. Resident-requested repairs presume permission for the Housing Authority to enter the unit.

Emergency Entries [24 CFR 966.4(j)(2)]
The Housing Authority may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. If no adult household member is present at the time of an emergency entry, the Housing Authority must leave a written statement showing the date, time and purpose of the entry prior to leaving the dwelling unit.

Scheduling of Inspections

Housing Authority Policy
Inspections will be conducted during business hours. If a family needs to reschedule an inspection, they must notify the Housing Authority at least 24 hours prior to the scheduled inspection. The Housing Authority will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. The Housing Authority may request verification of such cause.

Attendance at Inspections
Residents are required to be present for move-in inspections [24 CFR 966.4(i)]. There is no such requirement for other types of inspections.

Housing Authority Policy
Except at move-in inspections, the resident is not required to be present for the inspection. The resident may attend the inspection if he or she wishes.
If no one is at home, the inspector will enter the unit, conduct the inspection and leave a copy of the inspection report in the unit. An inspection will be rescheduled once by the Housing Authority if there are only minors occupying the unit.

8-II.D. INSPECTION RESULTS
The Housing Authority is obligated to maintain dwelling units and the project in decent, safe and sanitary condition and to make necessary repairs to dwelling units [24 CFR 966.4(e)].

Emergency Repairs [24 CFR 966.4(h)]
If the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants, the tenant must immediately notify (within 24 hours) the Housing Authority of the damage, and the Housing Authority must make repairs within a reasonable time frame(within 24 hours).

If the damage was caused by a household member or guest, the Housing Authority must charge the family for the reasonable cost of repairs. The Housing Authority may also take lease enforcement action against the family.

If the Housing Authority cannot make repairs within 24 hours~~quickly~~, the Housing Authority must offer the family standard alternative accommodations. If the Housing Authority can neither repair the defect within a reasonable time frame nor offer alternative housing, rent shall be

prorated~~abated~~ in proportion to the seriousness of the damage and loss in value as a dwelling. Rent shall not be prorated~~abated~~ if the damage was caused by a household member or guest, or if the resident rejects the alternative accommodations.

Housing Authority Policy
When conditions in the unit are hazardous to life, health, or safety, the Housing Authority will make repairs or otherwise abate the situation within 24 hours.

Defects hazardous to life, health or safety include, but are not limited to, the following:

Any condition that jeopardizes the security of the unit

Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling

Natural or LP gas or fuel oil leaks

Any electrical problem or condition that could result in shock or fire

Absence of a working heating system when the inside temperature is below 70 degrees Fahrenheit and there are infants and elderly are living in the home, or for a reasonable accommodation.

Utilities provided by the Housing Authority not in service, including no running hot water

Conditions that present the imminent possibility of injury

Obstacles that prevent safe entrance or exit from the unit

Absence of a functioning toilet in the unit

Inoperable smoke detectors

Non-emergency Repairs

Housing Authority Policy
The Housing Authority will correct non-life threatening health and safety defects within 15 business days of the inspection date. If the Housing Authority is unable to make repairs within that period due to circumstances beyond the Housing Authority's control (e.g. required parts or services are not available, weather conditions, etc.) the Housing Authority will notify the family of an estimated date of completion.

The family must allow the Housing Authority access to the unit to make repairs.

Resident-Caused Damages

Housing Authority Policy
Damages to the unit beyond wear and tear will be billed to the tenant in accordance with the policies in 8-I.G., Maintenance and Damage Charges.

Repeated or excessive damages to the unit beyond normal wear and tear will be considered a serious or repeated violation of the lease.

Housekeeping

Housing Authority Policy
Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, the Housing Authority will provide proper notice of a lease violation.

A re-inspection will be conducted within 30 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a re-inspection is considered a violation of the lease and **will** result in termination of tenancy in accordance with Chapter 13.

Notices of lease violation will also be issued to residents who purposely disengage the unit's smoke detector. Only one warning will be given. A second incidence will result in lease termination.

Chapter 9
REEXAMINATIONS
[24 CFR 960.257, 960.259, 966.4]

INTRODUCTION

The Housing Authority is required to monitor each family's income and composition over time, and to adjust the family's rent accordingly. Housing Authority must adopt policies concerning the conduct of annual and interim reexaminations that are consistent with regulatory requirements, and must conduct reexaminations in accordance with such policies [24 CFR 960.257(c)].

The frequency with which the Housing Authority must reexamine income for a family depends on whether the family pays income-based or flat rent. HUD requires the Housing Authority to offer all families the choice of paying income-based rent or flat rent at least annually. The Housing Authority's policies for offering families a choice of rents are located in Chapter 6.

This chapter discusses both annual and interim reexaminations.

> Part I: Annual Reexaminations. This part discusses the requirements for annual reexamination of income and family composition. Full reexaminations are conducted at least once a year for families paying income-based rents.
>
> Part II: Reexaminations for Families Paying Flat Rents. This part contains the Housing Authority's policies for conducting full reexaminations of family income and composition for families paying flat rents. These full reexaminations are conducted at least once every 3 years. This part also contains the Housing Authority's policies for conducting annual updates of family composition for flat rent families.
>
> Part III: Interim Reexaminations. This part includes HUD requirements and Housing Authority policies related to when a family may and must report changes that occur between annual reexaminations.
>
> Part IV: Recalculating Tenant Rent. After gathering and verifying required information for an annual or interim reexamination, the Housing Authority must recalculate the tenant rent. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

Policies governing reasonable accommodation, family privacy, required family cooperation and program abuse, as described elsewhere in this ACOP, apply to annual and interim reexaminations.

PART I: ANNUAL REEXAMINATIONS FOR FAMILIES PAYING INCOME BASED RENTS [24 CFR 960.257]

9-I.A. OVERVIEW

For those families who choose to pay income-based rent, the Housing Authority must conduct a reexamination of income and family composition at least annually [24 CFR 960.257(a)(1)]. ~~For families who choose flat rents, the Housing Authority must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every 3 years [24 CFR 960.257(a)(2)]. Policies related to the reexamination process for families paying flat rent are located in Part II of this chapter.~~

For all residents of public housing, whether those residents are paying income-based or flat rents, the Housing Authority must conduct an annual review of community service requirement compliance. This annual reexamination is also a good time to have residents sign consent forms for criminal background checks in case the criminal history of a resident is needed at some point to determine the need for lease enforcement or eviction.

The Housing Authority is required to obtain information needed to conduct reexaminations. How that information will be collected is left to the discretion of the Housing Authority. Families are required to provide current and accurate information on income, assets, allowances and deductions, family composition and community service compliance as part of the reexamination process [24 CFR 960.259].

This part contains the Housing Authority's policies for conducting annual reexaminations.

9-I.B. SCHEDULING ANNUAL REEXAMINATIONS

The Housing Authority must establish a policy to ensure that the annual reexamination for each family paying an income-based rent is completed within a 12 month period [24 CFR 960.257(a)(1)].

> Housing Authority Policy
>
> Generally, the Housing Authority will schedule annual reexaminations to coincide with the reexamination date determined by the unit. ~~family's anniversary date~~. The Housing Authority will begin the annual reexamination process approximately 120 days in advance of the scheduled effective date.
>
> *Anniversary date* is defined as 12 months from the effective date of the family's last annual reexamination or, the re-examination that corresponds with the families unit for transfers or new admissions.
>
> The Housing Authority may also schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

Notification of and Participation in the Annual Reexamination Process

The Housing Authority is required to obtain information needed to conduct annual reexaminations. How that information will be collected is left to the discretion of the Housing Authority.

Housing Authority Policy

Families generally are required to participate in an annual reexamination interview, which must be attended by the head of household, spouse or co-head, and any other adult members. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact the Housing Authority to request a reasonable accommodation.

Notification of annual reexamination interviews will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.

If the family is unable to attend a scheduled interview, the family should contact the Housing Authority in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend the scheduled interview the Housing Authority will send a second notification with a new interview appointment time.

If a family fails to attend two scheduled interviews without Housing Authority approval, the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

An advocate, interpreter, or other assistant may assist the family in the interview process.

9-I.C. CONDUCTING ANNUAL REEXAMINATIONS

The terms of the public housing lease require the family to furnish information necessary for the re-determination of rent and family composition [24 CFR 966.4(c)(2)].

Housing Authority Policy

Families will be asked to bring all required information (as described in the reexamination notice) to the reexamination appointment. The required information will include a Housing Authority-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family's income, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers
- A person's disability status
- Citizenship or immigration status

Change in Unit Size
Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The Housing Authority may use the results of the annual reexamination to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

Criminal Background Checks
Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)(1)(ii)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

> Housing Authority Policy
> **Each household member age 18 and over will be required to execute a consent form for a criminal background check as part of the annual reexamination process.**

Compliance with Community Service
For families who include nonexempt individuals, the Housing Authority must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)]. See Chapter 11 for the Housing Authority's policies governing compliance with the community service requirement.

9-I.D. EFFECTIVE DATES
As part of the annual reexamination process, the Housing Authority must make appropriate adjustments in the rent after consultation with the family and upon verification of the information [24 CFR 960.257(a)(1)].

> Housing Authority Policy
> In general, an *increase* in the tenant rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance.

If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.

If the Housing Authority chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the Housing Authority, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual reexamination, *increases* in the family share of the rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

In general, a *decrease* in the tenant rent that results from an annual reexamination will take effect on the family's anniversary date.

If the Housing Authority chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the Housing Authority.

If the family causes a delay in processing the annual reexamination, d*ecreases* in the family share of the rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by the Housing Authority by the date specified, and this delay prevents the Housing Authority from completing the reexamination as scheduled.

PART II: REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS
[24 CFR 960.257(2)]

9-II.A. OVERVIEW

HUD requires that the Housing Authority offer all families the choice of paying income-based rent or flat rent at least annually. The Housing Authority's policies for offering families a choice of rents are located in Chapter 6.

For families who choose flat rents, the Housing Authority must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every 3 years [24 CFR 960.257(a)(2)]. The Housing Authority is only required to provide the amount of income-based rent the family might pay in those years that the Housing Authority conducts a full reexamination of income and family composition, or upon request of the family after the family submits updated income information [24 CFR 960.253(e)(2)].

As it does for families that pay income-based rent, on an annual basis, the Housing Authority will also review community service compliance and will have each adult resident consent to a criminal background check.

This part contains the Housing Authority's policies for conducting reexaminations of families who choose to pay flat rents.

9-II.B. FULL REEXAMINATION OF FAMILY INCOME AND COMPOSITION

Frequency of Reexamination

Housing Authority Policy

For families paying flat rents, the Housing Authority will conduct a full reexamination of family income and composition once every 3 years.

Reexamination Policies

Housing Authority Policy

In conducting full reexaminations for families paying flat rents, the Housing Authority will follow the policies used for the annual reexamination of families paying income-based rent as set forth in Sections 9-I.B through 9-I.D above.

9-II.C. REEXAMINATION OF FAMILY COMPOSITION ("FOR FLAT RENT ANNUAL UPDATE")

As noted above, full reexaminations are conducted every 3 years for families paying flat rents. In the years between full reexaminations, regulations require the Housing Authority to conduct a reexamination of family composition ("annual update") [24 CFR 960.257(a)(2)].

The annual update process is similar to the annual reexamination process, except that the Housing Authority does not collect information about the family's income and expenses, and the family's rent is not recalculated following an annual update.

Scheduling
The Housing Authority must establish a policy to ensure that the reexamination of family composition for families choosing to pay the flat rent is completed at least annually [24 CFR 960.257(a)(2)].

Housing Authority Policy
For families paying flat rents, annual updates will be conducted in each of the 2 years following the full reexamination.

In scheduling the annual update, the Housing Authority will follow the policy used for scheduling the annual reexamination of families paying income-based rent as set forth in Section 9-I.B. above.

Conducting Annual Updates
The terms of the public housing lease require the family to furnish information necessary for the re-determination of rent and family composition [24 CFR 966.4(c)(2)].

Housing Authority Policy
Families generally are required to participate in an annual update interview, which must be attended by the head of household, spouse or co-head, and any other adult member. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact the Housing Authority to request a reasonable accommodation.

Notification of the annual update will be sent by first-class mail and will inform the family of the information and documentation that must be provided to the Housing Authority. The family will have 10 business days to submit the required information to the Housing Authority. If the family is unable to obtain the information or documents within the required time frame, the family may request an extension. The Housing Authority will accept required documentation by mail, by fax, or in person.

If the family's submission is incomplete, or the family does not submit the information in the required time frame, the Housing Authority will send a second written notice to the family. The family will have 10 business days from the date of the second notice to provide the missing information or documentation to the Housing Authority.

If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

Change in Unit Size
Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The Housing Authority may use the results of the annual update to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

~~***Criminal Background Checks***~~

~~Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.~~

~~Housing Authority Policy~~

~~**Each household member age 18 and over will be required to execute a consent form for criminal background check as part of the annual update process.**~~

Compliance with Community Service

For families who include nonexempt individuals, the Housing Authority must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)]. See Chapter 11 for the Housing Authority's policies governing compliance with the community service requirement.

PART III: INTERIM REEXAMINATIONS [24 CFR 960.257; 24 CFR 966.4]

9-III.A. OVERVIEW

Family circumstances may change throughout the period between annual reexaminations. HUD and Housing Authority policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances the Housing Authority must process interim reexaminations to reflect those changes. HUD regulations also permit the Housing Authority to conduct interim reexaminations of income or family composition at any time.

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition change. The Housing Authority must complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and Housing Authority policies describing what changes families are required to report, what changes families may choose to report, and how the Housing Authority will process both Housing Authority- and family-initiated interim reexaminations.

The Housing Authority shall have the right to require the resident to attend an interim rent review. Resident may request an interim rent review at any time. Resident shall attend any meetings held to the conduct the interim at the time and place specified by the Authority or, if requested by the resident, at an alternative time during normal Housing Authority business hours. Resident will be required to provide to the Authority complete and accurate information as specified by the Authority. (Special accommodations will be made for individuals requiring in home visits)

9-III.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The Housing Authority must adopt policies prescribing when and under what conditions the family must report changes in family composition. However, due to provisions of the public housing lease, the Housing Authority has limited discretion in this area.

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. Policies related to such transfers are located in Chapter 12.

> Housing Authority Policy
>
> All families, ~~those paying income-based rent as well as flat rent~~paying flat rent ~~,~~ must report all changes in family and household composition that occur between annual reexaminations (or annual updates).
>
> The Housing Authority will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

New Family Members Not Requiring Approval
The addition of a family member as a result of birth, adoption, or court-awarded custody does not require Housing Authority approval. However, the family is required to promptly notify the Housing Authority of the addition [24 CFR 966.4(a)(1)(v)].

Housing Authority Policy
The family must inform the Housing Authority of the birth, adoption or court-awarded custody of a child within 10 business days.

New Family and Household Members Requiring Approval
With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request Housing Authority approval to add a new family member [24 CFR 966.4(a)(1)(v)] or other household member (live-in aide or foster child) [24 CFR 966.4(d)(3)].

The Housing Authority may adopt reasonable policies concerning residence by a foster child or a live-in aide, and defining the circumstances in which Housing Authority consent will be given or denied. Under such policies, the factors considered by the Housing Authority may include [24 CFR 966.4(d)(3)(i)]:

- Whether the addition of a new occupant may necessitate a transfer of the family to another unit, and whether such units are available.

- The Housing Authority's obligation to make reasonable accommodation for disabled ~~handicapped~~ persons.

Housing Authority Policy
Families must request Housing Authority approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 14 consecutive days or a total of 30 cumulative calendar days during any 12 month period, and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by the Housing Authority prior to the individual moving into the unit.

The Housing Authority will not approve the addition of a new family or household member unless the individual meets the Housing Authority's eligibility criteria (see Chapter 3).

A request to allow adult children to move back into the unit will not be approved unless it is determined that the move is essential for the mental or physical well being of the tenant **and** it does not disqualify the family for the size of unit it is currently occupying. If the Housing Authority determines that an individual does not meet the Housing Authority's eligibility criteria as defined in Chapter 3, the Housing Authority will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

The Housing Authority will make its determination within 10 business days of receiving all information required to verify the individual's eligibility.

Departure of a Family or Household Member

Housing Authority Policy
If a family member ceases to reside in the unit, the family must inform the Housing Authority within 10 business days. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent.

If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform the Housing Authority within 10 business days.

9-III.C. CHANGES AFFECTING INCOME OR EXPENSES
Interim reexaminations can be scheduled either because the Housing Authority has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, the Housing Authority may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

Housing Authority Policy
This section only applies to families paying income-based rent. Families paying flat rent are not required to report changes in income or expenses.

Housing Authority-initiated Interim Reexaminations
Housing Authority-initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by the Housing Authority. They are not scheduled because of changes reported by the family.

Housing Authority Policy
The Housing Authority will conduct interim reexaminations in each of the following instances:

For families receiving the Earned Income Disallowance (EID), the Housing Authority will conduct an interim reexamination at the start, to adjust the exclusion with any changes in income, and at the conclusion of the second 12 month exclusion period (50 percent ~~pha~~phase-in period).

If the family has reported zero income, the Housing Authority will conduct an interim reexamination every 3 months as long as the family continues to report that they have no income.

If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), the Housing Authority will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.

If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the Housing Authority will conduct an interim reexamination.

The Housing Authority may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Family-Initiated Interim Reexaminations
The Housing Authority must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 960.257(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)].

Required Reporting
HUD regulations give the Housing Authority the freedom to determine the circumstances under which families will be required to report changes affecting income.

Housing Authority Policy
Families are required to report all increases in earned income, including new employment, within 10 business days of the date the change takes effect.
The Housing Authority will only conduct interim reexaminations for families that qualify for the ~~earned income disallowance (E~~EID~~)~~, and only when the EID family's rent will change as a result of the increase. In all other cases, the Housing Authority will note the information in the tenant file, but will not conduct an interim reexamination unless the increase in income is over $300 a month ($3600 annually).
Families are not required to report any other changes in income or expenses.

Optional Reporting
The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)]. The Housing Authority must process the request if the family reports a change that will result in a reduced family income. ~~[PH Occ GB, p. 159].~~

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

Housing Authority Policy
If a family reports a change that it was not required to report and that would result in an increase in the tenant rent, the Housing Authority will note the information in the tenant file, but will not conduct an interim reexamination unless the increase in income is over $300 a month ($3600 annually). If a family reports a change that it was not required to

report and that would result in a decrease in the tenant rent, the Housing Authority will conduct an interim reexamination. See Section 9-III.D. for effective dates.

Families may report changes in income or expenses at any time.

9-III.D. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

Housing Authority Policy

The family must notify the Housing Authority of changes in writing. If the family provides oral notice, the Housing Authority may also require the family to submit the changes in writing.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if the Housing Authority determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, the Housing Authority will determine the documentation the family will be required to submit. The family must submit any required information or documents within 10 business days of receiving a request from the Housing Authority. This time frame may be extended for good cause with Housing Authority approval. The Housing Authority will accept required documentation by mail, by fax, or in person.

Effective Dates

The Housing Authority must make the interim reexamination within a reasonable time after the family request [24 CFR 960.257(b)].

Housing Authority Policy

If the family share of the rent is to *increase*:

The increase generally will be effective on the first of the month following 30 days' notice to the family.

If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

If the family share of the rent is to *decrease*:

The decrease will be effective on the first day of the month following the month in which the change was reported. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

PART IV: RECALCULATING TENANT RENT

9-IV.A. OVERVIEW

For those families paying income-based rent, the Housing Authority must recalculate the rent amount based on the income information received during the reexamination process and notify the family of the changes [24 CFR 966.4, 960.257]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

9-IV.B. CHANGES IN UTILITY ALLOWANCES [24 CFR 965.507, 24 CFR 966.4]

The tenant rent calculations must reflect any changes in the Housing Authority's utility allowance schedule [24 CFR 960.253(c)(3)]. Chapter 16 discusses how utility allowance schedules are established.

> Housing Authority Policy
> Unless the Housing Authority is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

9-IV.C. NOTIFICATION OF NEW TENANT RENT

The public housing lease requires the Housing Authority to give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective [24 CFR 966.4(b)(1)(ii)].

When the Housing Authority re-determines the amount of rent (Total Tenant Payment or Tenant Rent) payable by the tenant, not including determination of the Housing Authority's schedule of Utility Allowances for families in the Housing Authority's Public Housing Program, or determines that the tenant must transfer to another unit based on family composition, the Housing Authority must notify the tenant that the tenant may ask for an explanation stating the specific grounds of the Housing Authority determination, and that if the tenant does not agree with the determination, the tenant shall have the right to request a hearing under the Housing Authority's grievance procedure [24 CFR 966.4(c)(4)].

> Housing Authority Policy
> The notice to the family will include the annual and adjusted income amounts that were used to calculate the tenant rent.

9-IV.D. DISCREPANCIES

During an annual or interim reexamination, the Housing Authority may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, the Housing Authority may discover errors made by the Housing Authority. When errors resulting in the overpayment or underpayment of rent are discovered, corrections will be made in accordance with the policies in Chapter 15.

Chapter 10
PETS
[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

INTRODUCTION

This chapter explains the Housing Authority's policies on the keeping of pets and any criteria or standards pertaining to the policies. The rules adopted are reasonably related to the legitimate interest of the Housing Authority to provide a decent, safe and sanitary living environment for all tenants, and to protect and preserve the physical condition of the property, as well as the financial interest of the Housing Authority.

The chapter is organized as follows:

Part I: Assistance Animals. This part explains the difference between assistance animals and pets and contains policies related to the designation of an assistance animal as well as their care and handling.

Part II: Pet policies for all developments. This part includes pet policies that are common to both elderly/disabled developments and general occupancy developments.

Part III: Pet deposits and fees for elderly/disabled developments. This part contains policies for pet deposits and fees that are applicable to elderly/disabled developments.

Part IV: Pet deposits and fees for general occupancy developments. This part contains policies for pet deposits and fees that are applicable to general occupancy developments.

PART I: ASSISTANCE ANIMALS

[Section 504; Fair Housing Act (42 U.S.C.); 24 CFR 5.303]

10-I.A. OVERVIEW

This part discusses situations under which permission for an assistance animal may be denied, and also establishes standards for the care of assistance animals.

Assistance animals are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or that provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals – often referred to as "service animals," "assistive animals," "support animals," or "therapy animals" – perform many disability-related functions, including but not limited to the following:

- Guiding individuals who are blind or have low vision
- Alerting individuals who are deaf or hearing impaired
- Providing minimal protection or rescue assistance
- Pulling a wheelchair
- Fetching items
- Alerting persons to impending seizures
- Providing emotional support to persons with disabilities who have a disability-related need for such support

Assistance animals that are needed as a reasonable accommodation for persons with disabilities are not considered pets, and thus, are not subject to the Housing Authority's pet policies described in Parts II through IV of this chapter [24 CFR 5.303; 960.705].

10-I.B. APPROVAL OF ASSISTANCE ANIMALS

A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal ~~[PH Occ GB, p. 179].~~.

A Housing Authority may not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed by the person with the disability ~~[PH Occ GB, p. 178].~~

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A Housing Authority's refusal to permit persons with a disability to use and live with an assistance animal that is needed to assist them, would violate Section 504 of the Rehabilitation Act and the Fair Housing Act unless ~~[PH Occ GB, p. 179]~~:

- There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation

- There is reliable objective evidence that the animal would cause substantial physical damage to the property of others

Housing Authority have the authority to regulate assistance animals under applicable federal, state, and local law [24 CFR 5.303(b)(3); 960.705(b)(3)].

Housing Authority Policy
For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request and the Housing Authority approve a reasonable accommodation in accordance with the policies contained in Chapter 2.

10-I.C. CARE AND HANDLING
HUD regulations do not affect any authority a Housing Authority may have to regulate assistance animals under federal, state, and local law [24 CFR 5.303; 24 CFR 960.705].

Housing Authority Policy
Residents must care for assistance animals in a manner that complies with state and local laws, including anti-cruelty laws.

Residents must ensure that assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.

When a resident's care or handling of an assistance animal violates these policies, the Housing Authority will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If the Housing Authority determines that no such accommodation can be made, the Housing Authority may withdraw the approval of a particular assistance animal.

PART II: PET POLICIES FOR ALL DEVELOPMENTS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

10-II.A. OVERVIEW

The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This part contains pet policies that apply to all developments.

10-II.B. MANAGEMENT APPROVAL OF PETS

Registration of Pets

Housing Authority may require registration of the pet with the Housing Authority [24 CFR 960.707(b)(5)].

Housing Authority Policy

Pets must be registered with the Housing Authority before they are brought onto the premises.

Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual reexamination date.

Pets will not be approved to reside in a unit until completion of the registration requirements.

Residents are not allowed to watch anyone else's pet nor are guests allowed to bring their pets with them to visit.

Exceptions will be made for guests with service animals.

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Refusal to Register Pets

Housing Authority Policy

The Housing Authority will refuse to register a pet if:

The pet is not *a common household pet* as defined in Section 10-II.C. below
Keeping the pet would violate any pet restrictions listed in this policy
The pet owner fails to provide complete pet registration information, or fails to update the registration annually

The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order

The Housing Authority reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

If the Housing Authority refuses to register a pet, a written notification will be sent to the pet owner within 10 business days of the Housing Authority's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with the Housing Authority's grievance procedures.

Pet Agreement

Housing Authority Policy

Residents who have been approved to have a pet must enter into a pet agreement with the Housing Authority, or the approval of the pet will be withdrawn.

The pet agreement is the resident's certification that he or she has received a copy of the Housing Authority's pet policy and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them.

The resident further certifies by signing the pet agreement that he or she understands that noncompliance with the Housing Authority's pet policy and applicable house rules may result in the withdrawal of Housing Authority approval of the pet or termination of tenancy.

10-II.C. STANDARDS FOR PETS [24 CFR 5.318; 960.707(b)]

Housing Authority may establish reasonable requirements related to pet ownership including, but not limited to:

- Limitations on the number of animals in a unit, based on unit size
- Prohibitions on types of animals that the Housing Authority classifies as dangerous, provided that such classifications are consistent with applicable state and local law
- Prohibitions on individual animals, based on certain factors, including the size and weight of the animal
- Requiring pet owners to have their pets spayed or neutered

Housing Authority's may not require pet owners to have any pet's vocal cords removed.

Definition of "Common Household Pet"

There is no regulatory definition of common household pet for public housing programs, although the regulations for pet ownership in both elderly/disabled and general occupancy developments use the term. The regulations for pet ownership in elderly/disabled developments expressly authorize Housing Authority to define the term [24 CFR 5.306(2)].

Housing Authority Policy
Common household pet means a domesticated animal, such as a dog, cat, bird, or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes.

The following animals are not considered common household pets:

Reptiles
Rodents
Insects
Arachnids
Wild animals or feral animals
Pot-bellied pigs
Animals used for commercial breeding
Turkeys
Chickens

Pet Restrictions

Housing Authority Policy
The following animals are **not permitted**:

Any animal whose adult weight will exceed 20 pounds

Dogs of the pit bull, rottweiler, chow, or boxer breeds

Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations

Any animal not permitted under state or local law or code

Number of Pets

Housing Authority Policy
Residents may own a maximum of 1 pet.

In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank not exceeding 10 gallons. Such a tank or aquarium will be counted as 1 pet.

Other Requirements

Housing Authority Policy
Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 days of the pet reaching 6 months of age. Exceptions may be

made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary.

Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's annual reexamination.

10-II.D. PET RULES

Pet owners must maintain pets responsibly, in accordance with Housing Authority policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations [24 CFR 5.315; 24 CFR 960.707(a)].

Pet Area Restrictions

Housing Authority Policy

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds), dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible individual at all times.

Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit. Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building. Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside.

Cleanliness

Housing Authority Policy

The pet owner shall be responsible for the removal of waste by placing it in a sealed plastic bag and disposing of it in the garbage can.

The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.
Litter box requirements:

Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner.

Litter shall not be disposed of by being flushed through a toilet.

Litter boxes shall be kept inside the resident's dwelling unit.

Alterations to Unit

Housing Authority Policy

Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal.

Installation of pet doors is prohibited.

Noise

Housing Authority Policy
Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

Pet Care

Housing Authority Policy
Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and does not damage Housing Authority property.

No animals may be tethered or chained inside or outside the dwelling unit at any time.

Responsible Parties

Housing Authority Policy
The pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

A resident who cares for another resident's pet must notify the Housing Authority and sign a statement that they agree to abide by all of the pet rules.

Pets Temporarily on the Premises

Housing Authority Policy
Pets that are not owned by a tenant are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals.

Pet Rule Violations

Housing Authority Policy
All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served.

The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

That the pet owner has 10 business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation

That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting

That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy

Notice for Pet Removal

Housing Authority Policy
If the pet owner and the Housing Authority are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the Housing Authority, the Housing Authority may serve notice to remove the pet.
The notice will contain:

- A brief statement of the factual basis for the Housing Authority's determination of the pet rule that has been violated
- The requirement that the resident /pet owner must remove the pet within 3 business calendar days of the notice. All pit bulls, rottwieler, chow, or boxer breeds need to be removed within 24 hours due to safety concerns.
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures

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Pet Removal

Housing Authority Policy
If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner.

If the responsible party is unwilling or unable to care for the pet, or if the Housing Authority after reasonable efforts cannot contact the responsible party, the Housing

Authority may contact the appropriate state or local agency and request the removal of the pet. Any costs incurred by the Housing Authority will be billed to the family.

Termination of Tenancy

Housing Authority Policy
The Housing Authority may initiate procedures for termination of tenancy based on a pet rule violation if:

The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified

The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease

Emergencies

Housing Authority Policy
The Housing Authority will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

If it is necessary for the Housing Authority to place the pet in a shelter facility, the cost will be the responsibility of the pet owner.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

PART III: PET DEPOSITS AND FEES IN ELDERLY/DISABLED DEVELOPMENTS

10-III.A. OVERVIEW

This part describes the Housing Authority's policies for pet deposits and fees in elderly, disabled and mixed population developments. Policies governing deposits and fees in general occupancy developments are described in Part IV.

10-III.B. PET DEPOSITS

Payment of Deposit

The Housing Authority may require tenants who own or keep pets in their units to pay a refundable pet deposit. This deposit is in addition to any other financial obligation generally imposed on tenants of the project [24 CFR 5.318(d)(1)].

The maximum amount of pet deposit that may be charged by a Housing Authority on a per dwelling unit basis, is the higher of the total tenant payment (TTP) or such reasonable fixed amount as the Housing Authority may require. The Housing Authority may permit gradual accumulation of the pet deposit by the pet owner [24 CFR 5.318(d)(3)].

The pet deposit is not part of the rent payable by the resident [24 CFR 5.318(d)(5)].

Housing Authority Policy

Pet owners are required to pay a pet deposit of $300 ($150.00 of which is a non-refundable fee) and; $150.00(Per Pet) if the resident is elderly or disabled ($75.00 of which is a non-refundable fee).in addition to any other required deposits.

The pet owner must pay at least one-half of the pet deposit at the time the pet is brought on the premises. The remainder of the deposit may be paid in three equal payments, due on the first of each of the three months following the day the pet is brought on the premises.

Refund of Deposit [24 CFR 5.318(d)(1)]

The Housing Authority may use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet, including (but not limited to) the costs of repairs and replacements to, and fumigation of, the tenant's dwelling unit. The Housing Authority must refund the unused portion of the pet deposit to the tenant within a reasonable time after the tenant moves from the project or no longer owns or keeps a pet in the unit.

Housing Authority Policy

The Housing Authority will refund half the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.
The Housing Authority will provide the resident with a written list of any charges against the pet deposit within 21business days of the move-out inspection. If the resident

disagrees with the amount charged to the pet deposit, the Housing Authority will provide a meeting to discuss the charges.

10-III.C. OTHER CHARGES
Pet-Related Damages During Occupancy

Housing Authority Policy

All reasonable expenses incurred by the Housing Authority as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit

Fumigation of the dwelling unit

Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

PART IV: PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS

10-IV.A. OVERVIEW

This part describes the Housing Authority's policies for pet deposits and fees for those who reside in general occupancy developments.

10-IV.B. PET DEPOSITS

A Housing Authority may require a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered [24 CFR 960.707(b)(1)].

A Housing Authority that requires a resident to pay a pet deposit must place the deposit in an account of the type required under applicable State or local law for pet deposits, or if there are no such requirements, for rental security deposits, if applicable. The Housing Authority must comply with such laws as to retention of the deposit, interest, and return of the deposit to the resident, and any other applicable requirements [24 CFR 960.707(d)].

Payment of Deposit

Housing Authority Policy

Pet owners are required to pay a pet deposit of $300 in addition to any other required deposits. The deposit must be paid in full before the pet is brought on the premises. The pet deposit is not part of rent payable by the resident.

Refund of Deposit

Housing Authority Policy

The Housing Authority will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

The Housing Authority will provide the resident with a written list of any charges against the pet deposit within 10 business days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, the Housing Authority will provide a meeting to discuss the charges.

10-IV.C. NON-REFUNDABLE NOMINAL PET FEE

Housing Authority may require payment of a non-refundable nominal pet fee to cover the reasonable operating costs to the development relating to the presence of pets [24 CFR 960.707(b)(1)].

Housing Authority Policy

The Housing Authority requires pet owners to pay a non-refundable nominal pet fee.

This fee is intended to cover the reasonable operating costs to the project relating to the presence of pets. Reasonable operating costs to the project relating to the presence of pets include, but are not limited to:

Landscaping costs

Pest control costs

Insurance costs

Clean-up costs

The pet fee of $10.00 will be billed on a monthly basis, and payment will be due 14 calendar days after billing.

Charges for the non-refundable pet fee are not part of rent payable by the resident.

10-IV.D. OTHER CHARGES
Pet-Related Damages During Occupancy

Housing Authority Policy
All reasonable expenses incurred by the Housing Authority as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit

Fumigation of the dwelling unit

Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.
If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge
The regulations do not address the Housing Authority's ability to impose charges for house pet rule violations. However, charges for violation of Housing Authority pet rules may be treated like charges for other violations of the lease and Housing Authority tenancy rules.

Housing Authority Policy

A separate pet waste removal charge of $10.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Such charges will be due and payable 14 calendar days after billing.

Charges for pet waste removal are not part of rent payable by the resident.

Chapter 11
COMMUNITY SERVICE

INTRODUCTION

This chapter explains HUD regulations requiring Housing Authorities to implement a community service program for all non-exempt adults living in public housing.

This chapter describes HUD regulations and Housing Authority policies related to these topics in two parts:

> Part I: Community Service Requirements. This part describes who is subject to the community service requirement, who is exempt, and HUD's definition of economic self-sufficiency.
>
> Part II: Housing Authority Implementation of Community Service. This part provides Housing Authority policy regarding Housing Authority implementation and program design.

PART I: COMMUNITY SERVICE REQUIREMENT

11-I.A. OVERVIEW

HUD regulations pertaining to the community service requirement are contained in 24 CFR 960 Subpart F (960.600 through 960.609). Housing Authorities and residents must comply with the community service requirement, effective with Housing Authority fiscal years that commenced on or after October 1, 2000. Per 903.7(l)(1)(iii), the Housing Authority Plan must contain a statement of the how the Housing Authority will comply with the community service requirement, including any cooperative agreement that the Housing Authority has entered into or plans to enter into.

Community service is 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 [24 CFR 960.601(b)].

In administering community service requirements, the Housing Authority must comply with all nondiscrimination and equal opportunity requirements [24 CFR 960.605(c)(5)].

11-I.B. REQUIREMENTS

Each adult resident of the Housing Authority, who is not exempt, must [24 CFR 960.603(a)]:

- Contribute 8 hours per month of community service; or
- Participate in an economic self-sufficiency program (as defined in the regulations) for 8 hours per month; or
- Perform 8 hours per month of combined activities (community service and economic self-sufficiency programs).

Housing Authority Policy

An individual may not skip a month and then double up the following month, unless special circumstances warrant it. The Housing Authority will make the determination of whether to permit a deviation from the schedule.

Individuals who have special circumstances which they believe will prevent them from completing the required community service hours for a given month, must notify the Housing Authority in writing within 5 business days of the circumstances becoming known. The Housing Authority will review the request and notify the individual, in writing, of its determination within 10 business days. The Housing Authority may require those individuals to provide documentation to support their claim.

Definitions

Exempt Individual [24 CFR 960.601(b)]

An *exempt individual* is an adult who:

- Is age 62 years or older

- Is blind or disabled (as defined under section 216[i][l] or 1614 of the Social Security Act), and who certifies that because of this disability s/he is unable to comply with the service provisions

- Is a primary caretaker of such an individual

- Is engaged in work activities

Housing Authority Policy
The Housing Authority will consider 30 hours per week as the minimum number of hours needed to qualify for a work activity exemption.

- Meets the requirements for being exempted from having to engage in a work activity under the state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which the Housing Authority is located, including a state-administered welfare-to-work program; or

- Is in a family receiving assistance under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which the Housing Authority is located, including a state-administered welfare-to-work program, and has not been found by the state or other administering entity to be in noncompliance with such program.

Community Service ~~*[PH Occ GB, p. 174]*~~
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 nonprofit organization that serves Housing Authority 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 Housing Authority to help improve physical conditions

- Work at the Housing Authority to help with children's programs

- Work at the Housing Authority to help with senior programs

- Helping neighborhood groups with special projects

- Working through a resident organization to help other residents with problems, serving as an officer in a resident organization, serving on the resident advisory board

- Caring for the children of other residents so they may volunteer

NOTE: Political activity is excluded for purposes of eligible community service activities.

Economic Self-Sufficiency Program [24 CFR 5.603(b)]
For purposes of satisfying the community service requirement, an *economic self-sufficiency program* is defined by HUD as: Any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families.

These economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeships (formal or informal), or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Work Activities [42 U.S.C. 607(d)]
As it relates to an exemption from the community service requirement, *work activities* means:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available
- On-the-job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training (not to exceed 12 months with respect to any individual)
- Job skills training directly related to employment
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate
- Provision of child care services to an individual who is participating in a community service program

Notification Requirements [24 CFR 960.605(c)(2)]
The Housing Authority must give each family a written description of the community service requirement, the process for claiming status as an exempt person, and the process for Housing Authority verification of exempt status. The Housing Authority must also notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt.

Housing Authority Policy
The Housing Authority will provide the family with a copy of the Housing Authority's Community Service Policy at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement during the lease term, and at any time upon the family's request.

On an annual basis, at the time of lease renewal, the Housing Authority will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt. If the family includes non-exempt individuals the notice will include a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which they may record the activities they perform and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify to the activities and hours completed.

11-I.C. DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c)(3)]
The Housing Authority must review and verify family compliance with service requirements annually at least thirty days before the end of the twelve month lease term. The policy for documentation and verification of compliance with service requirements may be found at Section 11-I.D., Documentation and Verification.

Housing Authority Policy
Where the lease term does not coincide with the effective date of the annual reexamination, the Housing Authority will change the effective date of the annual reexamination to coincide with the lease term. In making this change, the Housing Authority will ensure that the annual reexamination is conducted within 12 months of the last annual reexamination.

Annual Determination
Determination of Exemption Status
An exempt individual is excused from the community service requirement [24 CFR 960.603(a)].

Housing Authority Policy
At least 60 days prior to lease renewal, the Housing Authority will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or the Housing Authority has reason to believe that an individual's exemption status has changed. For individuals who are

exempt because they are 62 years of age and older, verification of exemption status will be done only at the initial examination.

Upon completion of the verification process, the Housing Authority will notify the family of its determination in accordance with the policy in Section 11-I.B., Notification Requirements.

Determination of Compliance

The Housing Authority must review resident family compliance with service requirements annually at least thirty days before the end of the twelve month lease term [24 CFR 960.605(c)(3)]. As part of this review, the Housing Authority must verify that any family member that is not exempt from the community service requirement has met his or her service obligation.

Housing Authority Policy

Approximately 60 days prior to the end of the lease term, the Housing Authority will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will have 10 business days to submit the Housing Authority required documentation form(s).
If the family fails to submit the required documentation within the required timeframe, or Housing Authority approved extension, the subject family members will be considered noncompliant with community service requirements, and notices of noncompliance will be issued pursuant to the policies in Section 11-I.E., Noncompliance.

Change in Status Between Annual Determinations

Housing Authority Policy

Exempt to Non-Exempt Status

If an exempt individual becomes non-exempt during the twelve month lease term, it is the family's responsibility to report this change to the Housing Authority within 10 business days.

Within 10 business days of a family reporting such a change, or the Housing Authority determining such a change is necessary, the Housing Authority will provide written notice of the effective date of the requirement, a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed.

The effective date of the community service requirement will be the first of the month following 30 day notice.

Non-Exempt to Exempt Status

If a non-exempt person becomes exempt during the twelve month lease term, it is the family's responsibility to report this change to the Housing Authority within 10 business days. Any claim of exemption will be verified by the Housing

Authority in accordance with the policy at 11-I.D., Documentation and Verification of Exemption Status.

Within 10 business days of a family reporting such a change, or the Housing Authority determining such a change is necessary, the Housing Authority will provide the family written notice that the family member is no longer subject to the community service requirement, if the Housing Authority is able to verify the exemption.

The exemption will be effective immediately.

11-I.D. DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4)]

The Housing Authority must retain reasonable documentation of service requirement performance or exemption in participant files.

Documentation and Verification of Exemption Status

Housing Authority Policy

All family members who claim they are exempt from the community service requirement will be required to sign the Housing Authority's Community Service Exemption Certification form. The Housing Authority will provide a completed copy to the family and will keep a copy in the tenant file.

The Housing Authority will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7.

The Housing Authority makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with the Housing Authority's determination, s/he can dispute the decision through the Housing Authority's grievance procedures (see Chapter 14).

Documentation and Verification of Compliance

If qualifying community service activities are administered by an organization other than the Housing Authority, a family member who is required to fulfill a service requirement must provide certification to the Housing Authority, signed by the organization, that the family member has performed the qualifying activities [24 CFR 960.607].

Housing Authority Policy

If anyone in the family is subject to the community service requirement, the Housing Authority will provide the family with community service documentation forms at admission, at lease renewal, when a family member becomes subject to the community service requirement during the lease term, or upon request by the family.

Each individual who is subject to the requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on

the required form. The certification form will also include places for signatures and phone numbers of supervisors, instructors, and counselors certifying to the number of hours contributed.

Families will be required to submit the documentation to the Housing Authority, upon request by the Housing Authority.

If the Housing Authority has reasonable cause to believe that the certification provided by the family is false or fraudulent, the Housing Authority has the right to require third-party verification.

11-I.E. NONCOMPLIANCE

Initial Noncompliance

The lease specifies that it is renewed automatically for all purposes, unless the family fails to comply with the community service requirement. Violation of the service requirement is grounds for non-renewal of the lease at the end of the twelve month lease term, but not for termination of tenancy during the course of the twelve month lease term [24 CFR 960.603(b)].

If the tenant or another family member has violated the community service requirement, the Housing Authority may not renew the lease upon expiration of the twelve-month term of the lease, unless the tenant and any other noncompliant family member enter into a written agreement with the Housing Authority. Under this agreement the tenant or noncompliant family member must agree to cure the noncompliance by completing the additional hours of community service or economic self-sufficiency needed to make up the total number of hours required, over the twelve-month term of the new lease. In addition, all other members of the family who are subject to the service requirement must be currently complying with the service requirement or must no longer be residing in the unit [24 CFR 960.607(c)].

Notice of Initial Noncompliance [24 CFR 960.607(b)]

If the Housing Authority determines that there is a family member who is required to fulfill a service requirement, but who has failed to comply with this obligation (noncompliant resident), the Housing Authority must notify the tenant of this determination.

The notice to the tenant must briefly describe the noncompliance. The notice must state that the Housing Authority will not renew the lease at the end of the twelve-month lease term unless the tenant, and any other noncompliant resident, enter into a written agreement with the Housing Authority to cure the noncompliance, or the family provides written assurance satisfactory to the Housing Authority that the tenant or other noncompliant resident no longer resides in the unit. The notice must also state that the tenant may request a grievance hearing on the Housing Authority's determination, in accordance with the Housing Authority's grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for the Housing Authority's non-renewal of the lease because of the Housing Authority's determination.

Housing Authority Policy
The notice of initial noncompliance will be sent at least 45 days prior to the end of the lease term.

The family will have 10 business days from the date of the notice of noncompliance to enter into a written agreement to cure the noncompliance over the 12 month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before the Housing Authority will agree to continued occupancy of the family.

Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required 10 business day timeframe, the Housing Authority will terminate tenancy in accordance with the policies in Chapter~~Section~~ 13-IV.D.

Continued Noncompliance [24 CFR 960.607(b)]
If, after the 12 month cure period, the family member is still not compliant, the Housing Authority must terminate tenancy of the entire family, according to the Housing Authority's lease, unless the family provides documentation that the noncompliant resident no longer resides in the unit.

Housing Authority Policy
Notices of continued noncompliance will be sent at least 30 days prior to the end of the lease term and will also serve as the family's termination notice. The notice will meet the requirements for termination notices described in Chapter~~Section~~ 13-IV.D, Form, Delivery, and Content of the Notice.

The family will have 10 business days from the date of the notice of non-compliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before the Housing Authority will agree to continued occupancy of the family.

Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them.

If the family does not request a grievance hearing, or provide such documentation within the required 10 business day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.

PART II: IMPLEMENTATION OF COMMUNITY SERVICE

11-II.A. OVERVIEW

Each Housing Authority must develop a policy for administration of the community service and economic self-sufficiency requirements for public housing. It is in the Housing Authority's best interests to develop a viable, effective community service program, to provide residents the opportunity to engage in the community and to develop competencies.

Housing Authority Program Design

The Housing Authority may make community service activities available through a contractor, or through partnerships with qualified organizations, including resident organizations, and community agencies or institutions [24 CFR 960.605(b)].

Housing Authority Policy

The Housing Authority will make every effort to identify volunteer opportunities throughout the community, especially those in proximity to public housing developments. To the greatest extent possible, the Housing Authority will provide names and contacts at agencies that can provide opportunities for residents, including persons with disabilities, to fulfill their community service obligations.

Any written agreements or partnerships with contractors and/or qualified organizations, including resident organizations, are described in the Housing Authority Plan.

EXHIBIT 11-1: COMMUNITY SERVICE AND SELF-SUFFICIENCY POLICY

A. Background

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self-sufficiency and economic independence. This is a requirement of the public housing lease.

B. Definitions

Community Service – 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 nonprofit organization such as: Parks and Recreation, United Way, Red Cross, Volunteers of America, Boy Scouts, Girl Scouts, Boys or Girls Clubs, 4-H Program, PAL, Garden Center, community clean-up programs, beautification programs, other counseling, aid, youth or senior organizations
- Helping neighborhood groups with special projects
- Working through a resident organization to help other residents with problems
- Serving as an officer in a resident organization
- Serving on the Resident Advisory Board
- Caring for children of other residents so they may volunteer

NOTE: Political activity is excluded.

Self-Sufficiency Activities – activities that include, but are not limited to:

- Job readiness programs
- Job training programs
- GED classes
- Substance abuse or mental health counseling
- English proficiency or literacy (reading) classes
- Apprenticeships
- Budgeting and credit counseling
- Any kind of class that helps a person toward economic independence
- Student status at any school, college or vocation school

Exempt Adult – an adult member of the family who meets any of the following criteria:

- Is 62 years of age or older
- Is blind or a person with disabilities (as defined under section 216[i][l] or 1614 of the Social Security Act), and who certifies that because of this disability he or she is unable to comply with the service provisions, or is the primary caretaker of such an individuals
- Is working at least 30 hours per week
- Meets the requirements for being exempted from having to engage in a work activity under TANF or any other State welfare program including a State-administered welfare-to-work program
- Is a member of a family receiving assistance, benefits or services under TANF or any

other State welfare program and has not been found to be in noncompliance with such program

C. 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 housing authority will make the determination of whether to allow or disallow a deviation from the schedule based on a family's written request.
3. Family obligation:
   - At lease execution, all adult members (18 or older) of a public housing resident family must:
     - 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 a non-renewal of their lease; and
     - Declare if they are exempt. If exempt, they must complete the Housing Authority's Exemption Form and provide documentation of the exemption.
   - Upon written notice from the Housing Authority, non-exempt family members must present complete documentation of activities performed during the applicable lease term. This documentation 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 the end of the 12-month lease term, he or she, and the head of household, will be required to sign an agreement with the housing authority to make up the deficient hours over the next twelve (12) month period, as a condition of continued occupancy.
4. Change in exempt status:
   - If, during the twelve (12) month lease period, a non-exempt person becomes exempt, it is his or her responsibility to report this to the Housing Authority and provide documentation of exempt status.
   - If, during the twelve (12) month lease period, an exempt person becomes non-exempt, it is his or her responsibility to report this to the Housing Authority. Upon receipt of this information the Housing Authority will provide the person with the appropriate documentation form(s) and a list of agencies in the community that provide volunteer and/or training opportunities.

D. Authority Obligation

1. To the greatest extent possible and practicable, the Housing Authority will provide names and contacts at agencies that can provide opportunities for residents, including residents with disabilities, to fulfill their community service obligations.
2. The Housing Authority will provide the family with a copy of this policy, and all applicable exemption verification forms and community service documentation forms, at lease-up, lease renewal, when a family member becomes subject to the community service requirement during the lease term, and at any time upon the family's request.
3. Although exempt family members will be required to submit documentation to support their exemption, the Housing Authority will verify the exemption status in accordance with its verification policies. The Housing 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 Housing Authority's grievance procedure if they disagree with the Housing Authority's determination.

4. Noncompliance of family member:
   - At least thirty(30) days prior to the end of the 12-month lease term, the Housing Authority will begin reviewing the exempt or non-exempt status and compliance of family members;
   - If, at the end of the initial 12-month lease term under which a family member is subject to the community service requirement, the Housing Authority finds the family member to be noncompliant, the Housing Authority will not renew the lease unless:
     - The head of household and any other noncompliant resident enter into a written agreement with the Housing Authority, to make up the deficient hours over the next twelve (12) month period; or
     - The family provides written documentation satisfactory to the Housing Authority that the noncompliant family member no longer resides in the unit.
   - If, at the end of the next 12-month lease term, the family member is still not compliant, a 30-day notice to terminate the lease will be issued and the entire family will have to vacate, unless the family provides written documentation satisfactory to the Housing Authority that the noncompliant family member no longer resides in the unit;
   - The family may use the Housing Authority's grievance procedure to dispute the lease termination.

~~All adult family members must sign and date below, certifying that they have read and received a copy of this Community Service and Self-Sufficiency Policy.~~

~~Resident~~ ~~Date~~

~~Resident~~ ~~Date~~

~~Resident~~ ~~Date~~

~~Resident~~ ~~Date~~

EXHIBIT 11-2: DEFINITION OF A PERSON WITH A DISABILITY UNDER SOCIAL SECURITY ACTS 216(i)(l) and Section 1416(excerpt) FOR PURPOSES OF EXEMPTION FROM COMMUNITY SERVICE

Social Security Act:
216(i)(1): Except for purposes of sections 202(d), 202(e), 202(f), 223, and 225, the term "disability" means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness; and the term "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.

Section 1416 (excerpt):
SEC. 1614. *[42 U.S.C. 1382c]* (a)(1) For purposes of this title, the term "aged, blind, or disabled individual" means an individual who—

(A) is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and

(B)(i) is a resident of the United States, and is either (I) a citizen or (II) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act), or

(ii) is a child who is a citizen of the United States and, who is living with a parent of the child who is a member of the Armed Forces of the United States assigned to permanent duty ashore outside the United States.

(2) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined.

(3)(A) Except as provided in subparagraph (C), an individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.

Community Service & Self-Sufficiency Requirement (CSSR) Resident Certification: To be completed by the individual requesting a CSSR exemption & verified by a third party.

If you wish to claim an exemption from the Community Service & Self-Sufficiency Requirement (CSSR), you will need to provide the Housing Authority of the County of San Joaquin (Housing Authority) with the appropriate documentation for the CSSR exemption you are applying for when applicable.

☐ Disabled: If you have already provided the Housing Authority with documentation of your disability status you do not need to provide it again. But if you have not previously provided the documentation of your disability status, or there is more than one adult in your household, you need to apply for this exemption to verify that you are the resident with the disability in your household.

☐ Work Exempt: If your are exempt from work activity under Part A, Title IV of the Social Security Act or California's welfare program including welfare-to-work, you will need to apply for that exemption.

☐ Parent or Legal Guardian with a Child under age thirteen (13) Living in the Home: If there are more than one adult in the household, you must provide proof that you are the parent or legal guardian of a child under age thirteen (13) living in your household. *(CalWork's participants: CSSR exemption will only be granted if family is in good standing with CalWork's welfare to work program)*

☐ On-the-Job Training: You are engaged in on-the-job training for a minimum of eight (8) hours.

☐ Economic Self-Sufficiency: You are enrolled in an Economic Self-Sufficiency Program (i.e. Employment Program) for a minimum of eight (8) hours per month.

☐ Vocational Education/Job Skills Training: You are enrolled in a Vocational Education/Job Skills training program for a minimum of eight (8) hours per month.

☐ High School/GED Program/Higher Education: You are enrolled in high school, a GED program, or higher education (i.e. College or University) for a minimum of eight (8) hours per month.

☐ Primary Caretaker of Someone Disabled or Elderly: You are the primary care taker of a disabled or elderly person for a minimum of eight (8) hours per month.

☐ Pregnant

☐ Providing Child Care for person performing Community Service: **You** are providing childcare for another resident performing community service.

☐ Pending Social Security Administration (SSA): You have a pending application for SSI. (This exemption can only be used once.)

☐ Person with SSA disputes: You are currently involved in a dispute with Social Security Administration regarding an application for assistance. (This exemption can only be used once.)

☐ Victims of Domestic Violence: You are a victim of domestic violence, and participation in this program would but you at risk.

☐ Sick or Suffering from a Temporary Disability: You are sick or suffering from a temporary disability expected to last sixty (60) days or more.

☐ Home Schooling: You are a parent or legal guardian home schooling a child under the age of eighteen (18).

☐ Military: You are an active duty reservist or member of the U.S. military.

☐ Recent Graduates: You are a graduate within the last six (6) months of an education or training program and actively searching for work. (Up to Six (6) month exemption from graduation date).

~~***I certify that I meet the requirements of the CSSR exemption described above, and I will inform the Housing Authority of any changes to my exempt status prior to my next annual review.***~~

~~_____ _____~~

~~Resident Signature Date~~

~~**Third Party Verification:** Have a representative (case manager, teacher, doctor, etc.) from the organization complete the following information:~~

~~**Organization/Agency Name:** _____~~

~~**Representative Name:** _____ **Title:** _____~~

~~**Address:** _____~~

~~**Phone Number:** _____ **Email Address:** _____~~

~~The individual name above is engaged in the activity as described above.~~

~~_____ _____~~

~~Representative Signature Date~~

Chapter 12
TRANSFER POLICY

Field Code Changed

INTRODUCTION

This chapter explains the Housing Authority's transfer policy, based on HUD regulations, HUD guidance, and Housing Authority policy decisions.

This chapter describes HUD regulations and Housing Authority policies related to transfers in four parts:

> Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.
>
> Part II: Housing Authority Required Transfers. This part describes types of transfers that may be required by the Housing Authority, notice requirements, and payment of transfer costs.
>
> Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.
>
> Part IV: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, deconcentration, transferring to another development and reexamination.

The Housing Authority may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation.

The Housing Authority must have specific policies in place to deal with acceptable transfer requests.

If any member of the Household transfers to a new dwelling unit after the Housing Authority initiates an eviction proceeding, then the Housing Authority may re-file the action or amend its pleading to request possession of the new dwelling unit, without waiver of the original violation.

PART I: EMERGENCY TRANSFERS

12-I.A. OVERVIEW

HUD categorizes certain actions as emergency transfers ~~[PH Occ GB, p. 147]. .~~.The emergency transfer differs from a typical transfer in that it requires immediate action by the Housing Authority.

In the case of a genuine emergency, it may be unlikely that the Housing Authority will have the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, the Housing Authority should find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is reached.

12-I.B. EMERGENCY TRANSFERS

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, the Housing Authority must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

Housing Authority Policy

The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family:

> Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak; no heat in the building during the winter; no water; toxic contamination; sewage problems and serious water leaks.

12-I.C. EMERGENCY TRANSFER PROCEDURES

Housing Authority Policy

If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, the Housing Authority will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, the Housing Authority will transfer the resident to the first available and appropriate unit after the temporary relocation. Emergency transfers are mandatory for the tenant.

PART II: Housing Authority REQUIRED TRANSFERS

12-II.A. OVERVIEW

HUD regulations regarding transfers are minimal, leaving it up to the Housing Authority to develop reasonable transfer policies.

The Housing Authority may require that a resident transfer to another unit under some circumstances. For example, the Housing Authority may require a resident to transfer to make an accessible unit available to a disabled family. The Housing Authority may also transfer a resident in order to maintain occupancy standards based on family composition. Finally, a Housing Authority may transfer residents in order to demolish or renovate the unit.
A transfer that is required by the Housing Authority is an adverse action, and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

If the Household transfers to another dwelling unit, the~~n this~~ lease shall terminate and a new written lease agreement shall be executed for the new dwelling unit. By transferring resident to another dwelling unit, however, the Housing Authority shall not waive its right to terminate the lease for that new unit or to evict the household from that new based upon conduct that occurred before the transfer (when resident resided at the residence to which this lease refers).

12-II.B. TYPES OF Housing Authority REQUIRED TRANSFERS

Housing Authority Policy
The types of transfers that may be required by the Housing Authority, include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, transfers for demolition, disposition, revitalization, or rehabilitation, and emergency transfers as discussed in Part I of this chapter.

Transfers required by the Housing Authority are mandatory for the tenant.

Transfers to Make an Accessible Unit Available
When a family is initially given an accessible unit, but does not require the accessible features, the Housing Authority may require the family to agree to move to a non-accessible unit when it becomes available [24 CFR 8.27(b)].

Housing Authority Policy
When a non-accessible unit becomes available, the Housing Authority will transfer a family living in an accessible unit that does not require the accessible features, to an available unit that is not accessible. The Housing Authority may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

Occupancy Standards Transfers
The Housing Authority may require a resident to move when a reexamination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed according to Housing Authority policy [24 CFR 960.257(a)(4)]. On some occasions, the Housing Authority may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies. The public housing lease must include the tenant's agreement to transfer to an appropriately sized unit based on family composition [24 CFR 966.4(c)(3)].

Housing Authority Policy
The Housing Authority will transfer a family when the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied. For purposes of the transfer policy, overcrowded and over-housed are defined as follows:

Overcrowded: the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides, according to the chart in Section 5-I.B.

Over-housed: the family no longer qualifies for the bedroom size in which they are living based on the Housing Authority's occupancy standards as described in Section 5-I.B.

The Housing Authority may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on the Housing Authority's occupancy standards, when the Housing Authority determines there is a need for the transfer.

The Housing Authority may elect not to transfer an over-housed family in order to prevent vacancies.

A family that is required to move because of family size will be advised by the Housing Authority that a transfer is necessary and that the family has been placed on the transfer list.

Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) in accordance with the policies in Chapter~~Section~~ 5-I.C. will only be required to transfer if it is necessary to comply with the approved exception.

Demolition, Disposition, Revitalizations, or Rehabilitation Transfers
These transfers permit the Housing Authority to demolish, sell or do major capital or rehabilitation work at a building site . ~~[PH Occ GB, page 148].~~

Housing Authority Policy
The Housing Authority will relocate a family when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be vacant, or the unit is

being disposed of or demolished. The Housing Authority's relocation plan may or may not require transferring affected families to other available public housing units.

If the relocation plan calls for transferring public housing families to other public housing units, affected families will be placed on the transfer list and receive priority.
In cases of revitalization or rehabilitation, the family may be offered a temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit, depending on contractual and legal obligations, once revitalization or rehabilitation is complete.

12-II.C. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]

A Housing Authority required transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, the Housing Authority may not take action on the transfer until the conclusion of the grievance process.

PART III: TRANSFERS REQUESTED BY TENANTS

12-III.A. OVERVIEW

HUD provides the Housing Authority with discretion to consider transfer requests from tenants. The only requests that the Housing Authority is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of the Housing Authority. To avoid administrative costs and burdens, this policy limits the types of requests that will be considered by the Housing Authority.

Some transfers that are requested by tenants should be treated as higher priorities than others due to the more urgent need for the transfer.

12-III.B. TYPES OF RESIDENT REQUESTED TRANSFERS

Housing Authority Policy

The tenant must provide a request for transfer in writing that includes 3rd verification which verifies the reason for the request. The types of requests for transfers that the Housing Authority will consider are limited to requests for transfers to alleviate a serious or life threatening medical condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to the Housing Authority's occupancy standards, and transfers to a location closer to employment. No other transfer requests will be considered by the Housing Authority.

The Housing Authority will consider the following as high priority transfer requests:

When a transfer is needed to alleviate verified medical problems of a serious or life-threatening nature

When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the ~~PHA~~HOUSING AUTHORITY 's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, a hate crime, or domestic violence, dating violence, sexual assault, or stalking.

When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first floor unit for a person with mobility impairment, or a transfer to a unit with accessible features

The Housing Authority will consider the following as regular priority transfer requests:

When a family requests a larger bedroom size unit even though the family does not meet the Housing Authority's definition of overcrowded, as long as the family meets the Housing Authority's occupancy standards for the requested size unit

When the head of household or spouse is employed 25 miles or more from the public housing unit, has no reliable transportation, and public transportation is not adequate

Transfers requested by the tenant are considered optional for the tenant.

12-III.C. ELIGIBILITY FOR TRANSFER

Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, the Housing Authority may establish other standards for considering a transfer request. ~~[PH Occ GB, p. 150].~~

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Housing Authority Policy

Except where reasonable accommodation is being requested, the Housing Authority will only consider transfer requests from residents that meet the following requirements:

Have not engaged in criminal activity that threatens the health and safety or residents and staff

Owe no back rent or other charges, or have a pattern of late payment

Have no housekeeping lease violations or history of damaging property
Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)

Exceptions to the good record requirement may be made when it is to the Housing Authority's advantage to make the transfer.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of two years from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

12-III.D. SECURITY DEPOSITS

Housing Authority Policy

When a family transfers from one unit to another, the Housing Authority will transfer their security deposit to the new unit. The tenant will be billed for any maintenance or others charges due for the "old" unit.

12-III.E. COST OF TRANSFER

The Housing Authority must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability [Notice PIH 2006-13].

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Housing Authority Policy
The resident will bear all of the costs of transfer s/he requests. However, the Housing Authority will bear the transfer costs when the transfer is done as a reasonable accommodation.
~~Housing Authority Policy~~
~~The resident will bear all of the costs of transfer s/he requests. However, in cases of documented financial hardship, the Housing Authority will consider assuming the transfer costs when the transfer is done as a reasonable accommodation.~~

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12-III.F. HANDLING OF REQUESTS

Housing Authority Policy
Residents requesting a transfer to another unit or development will be required to submit a written request for transfer.

In case of a reasonable accommodation transfer, the Housing Authority will require the resident to make the request in writing using a reasonable accommodation request form.

However, the Housing Authority may consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

The Housing Authority will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family.

If the family does not meet the "good record" requirements under Section 12-III.C., the manager will address the problem and, until resolved, the request for transfer will be denied.

The Housing Authority will respond within ten (10) business days of the submission of the family's request. If the Housing Authority denies the request for transfer, the family will be informed of its grievance rights.

PART IV: TRANSFER PROCESSING

12-IV.A. OVERVIEW

Generally, transfers should be placed on a transfer list and handled in the appropriate order. The transfer process must be clearly auditable to ensure that residents do not experience disparate treatment.

12-IV.B. TRANSFER LIST

Housing Authority Policy

The Housing Authority will maintain a site-based transfer list to ensure that transfers are processed in the correct order and that procedures are uniform.

Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case by case basis. If the emergency will not be finally resolved by a temporary accommodation, and the resident requires a permanent transfer, that transfer will be placed at the top of the transfer list.

Transfers will be processed in the following order:

1. Emergency transfers
2. Verified medical condition
3. Threat of harm or criminal activity
4. Reasonable accommodation
5. Transfer to make an accessible unit available
6. Demolition, renovation, etc.
7. Occupancy Standards
8. Other Housing Authority required transfers
9. Other tenant requested transfers

Within each category, transfers will be processed in order of the date the family was placed on the transfer list, starting with the earliest date.

Demolition and renovation transfers will gain the highest priority as necessary to allow the Housing Authority to meet the demolition or renovation schedule.

Transfers will take precedence over waiting list admissions.

12-IV.C. TRANSFER OFFER POLICY

Housing Authority Policy

Residents will receive one offer of a transfer.

When the transfer is required by the Housing Authority, refusal of that offer without good cause will result in lease termination.

When the transfer has been requested by the resident, refusal of that offer without good cause will result in the removal of the household from the transfer list and the family must wait six months to reapply for another transfer.

12-IV.D. GOOD CAUSE FOR UNIT REFUSAL

Housing Authority Policy

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

Inaccessibility to source of employment, education, or job training, children's day care, or an educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.

The family demonstrates to the Housing Authority's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.

The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

The Housing Authority will require verifiable 3rd party documentation of good cause for unit refusals.

12-IV.E. DECONCENTRATION

Housing Authority Policy

If subject to deconcentration requirements, the Housing Authority will consider its deconcentration goals when transfer units are offered. When feasible, families above the Established Income Range will be offered a unit in a development that is below the Established Income Range, and vice versa, to achieve the Housing Authority's deconcentration goals. A deconcentration offer will be considered a "bonus" offer; that is, if a resident refuses a deconcentration offer, the resident will receive one additional transfer offer.

12-IV.F. REEXAMINATION POLICIES FOR TRANSFERS

Housing Authority Policy

The reexamination date will be changed to the first of the month in which the transfer took place.

Chapter 13
LEASE TERMINATIONS

INTRODUCTION

Either party in a lease agreement may terminate the lease under certain circumstances. A public housing lease is different from a private dwelling lease in that the family's rental assistance is tied to their tenancy. When the family moves from their public housing unit, they lose their rental assistance. Therefore, there are additional safeguards to protect the family's tenancy in public housing.

Likewise, there are safeguards to protect HUD's interest in the public housing program, to assure that qualified families are provided decent, safe, and sanitary housing which is in good repair. The Housing Authority may terminate the lease because of the family's failure to comply with HUD regulations, for serious or repeated violations of the terms of the lease, and for other good cause. HUD regulations specify some reasons for which a Housing Authority can terminate a family's lease, and give Housing Authority the right to determine other reasons.

When determining Housing Authority policy on terminations, state and local landlord-tenant laws must be considered, since such laws could vary from one location to another. These variances may be either more or less restrictive than federal law or HUD regulation.

This chapter presents the policies that govern both the family's and Housing Authority's termination of the lease. It is presented in four parts:

Part I: Termination by Tenant. This part discusses the family's voluntary termination of the lease and the requirements the Housing Authority places upon families who wish to terminate their lease.

Part II: Termination by Housing Authority - Mandatory. This part describes the policies that govern how, and under what circumstances, a mandatory lease termination by the Housing Authority occurs. This part also includes non-renewal of the lease for noncompliance with community service requirements.

Part III: Termination by Housing Authority – Other Authorized Reasons. This part describes the Housing Authority's options for lease termination that are not mandated by HUD regulation but for which HUD authorizes Housing Authorities to terminate. For some of these options HUD requires the Housing Authority to establish policies and lease provisions for termination, but termination is not mandatory. For other options the Housing Authority has full discretion whether to consider the options as just cause to terminate as long as the Housing Authority policies are reasonable, nondiscriminatory, and do not violate state or local landlord-tenant law. This part also discusses the alternatives that the Housing Authority may consider in lieu of termination, and the criteria the Housing Authority will use when deciding what actions to take.

Part IV: Notification Requirements. This part presents the federal requirements for disclosure of criminal records to the family prior to termination, the HUD requirements

and Housing Authority policies regarding the timing and content of written notices for lease termination and eviction, and notification of the post office when eviction is due to criminal activity. This part also discusses record keeping related to lease termination.

PART I: TERMINATION BY TENANT

13-I.A. TENANT CHOOSES TO TERMINATE THE LEASE [24 CFR 966.4(k)(1)(ii) and 24 CFR 966.4(l)(1)]

The family may terminate the lease at any time, for any reason, by following the notification procedures as outlined in the lease. Such notice must be in writing and delivered to the project office or the Housing Authority central office or sent by pre-paid first-class mail, properly addressed.

Housing Authority Policy

If a family desires to move and terminate their tenancy with the Housing Authority, they must give at least 30 calendar days advance written notice to the Housing Authority of their intent to vacate. When a family must give less than 30 days notice due to circumstances beyond their control the Housing Authority, at its discretion, may waive the 30 day requirement.

The notice of lease termination must be signed by the head of household, spouse, or co-head.

PART II: TERMINATION BY Housing Authority – MANDATORY

13-II.A. OVERVIEW

HUD requires the Housing Authority to terminate the lease in certain circumstances. In other circumstances HUD requires the Housing Authority to establish provisions for lease termination, but it is still a Housing Authority option to determine, on a case-by-case basis, whether termination is warranted. **For those tenant actions or failures to act where HUD requires termination, the Housing Authority has no such option.** In those cases, the family's lease must be terminated. This part describes situations in which HUD requires the Housing Authority to terminate the lease.

13-II.B. FAILURE TO PROVIDE CONSENT [24 CFR 960.259(a) and (b)]

The Housing Authority **must** terminate the lease if any family member fails to sign and submit any consent form s/he is required to sign for any reexamination. See Chapter 7 for a complete discussion of consent requirements.

13-II.C. FAILURE TO DOCUMENT CITIZENSHIP [24 CFR 5.514(c) and (d) and 24 CFR 960.259(a)]

The Housing Authority must terminate the lease if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members; or (3) a family member, as determined by the Housing Authority, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3), such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated.

See Chapter 7 for a complete discussion of documentation requirements.

13-II.D. FAILURE TO PROVIDE SOCIAL SECURITY DOCUMENTATION [24 CFR 5.218(c) and 24 CFR 960.259(a)(3)]

The Housing Authority must terminate the lease if a resident family fails to provide the documentation or certification required for any family member who obtains a social security number, joins the family, or reaches 6 years of age. See Chapter 7 for a complete discussion of documentation and certification requirements.

13-II.E. FAILURE TO ACCEPT THE HOUSING AUTHORITY'S OFFER OF A LEASE REVISION [24 CFR 966.4(l)(2)(ii)(E)]

The Housing Authority must terminate the lease if the family fails to accept the Housing Authority's offer of a lease revision to an existing lease, provided the Housing Authority has done the following:

- The revision is on a form adopted by the Housing Authority in accordance with 24 CFR 966.3 pertaining to requirements for notice to tenants and resident organizations and their opportunity to present comments.

- The Housing Authority has made written notice of the offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect.

- The Housing Authority has specified in the offer a reasonable time limit within that period for acceptance by the family.

  See Chapter 8 for information pertaining to Housing Authority policies for offering lease revisions.

13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 966.4(l)(5)(i)(A)]
The Housing Authority must immediately terminate the lease if the Housing Authority determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

See Part 13-III.B. below for the HUD definition of *premises.*

13-II.G. NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)(2)(ii) and (c)]
The Housing Authority is prohibited from renewing the lease at the end of the 12 month lease term when the family fails to comply with the community service requirements as described in Chapter 11.

PART III: TERMINATION BY Housing Authority – OTHER AUTHORIZED REASONS

13-III.A. OVERVIEW

Besides requiring Housing Authorities to terminate the lease under the circumstances described in Part II, HUD requires the Housing Authority to establish provisions in the lease for termination pertaining to certain criminal activity, alcohol abuse, and certain household obligations stated in the regulations. While these provisions for lease termination must be in the lease agreement, HUD does not require Housing Authorities to terminate for such violations in all cases. The Housing Authority has the discretion to consider circumstances surrounding the violation or, in applicable situations, whether the offending household member has entered or completed rehabilitation, and the Housing Authority may, as an alternative to termination, require the exclusion of the culpable household member. The Housing Authority must make policy decisions concerning these options.

In addition, HUD authorizes Housing Authorities to terminate the lease for other grounds, but for only those grounds that constitute serious or repeated violations of material terms of the lease or that are for other good cause. The Housing Authority must develop policies pertaining to what constitutes serious or repeated lease violations, and other good cause, based upon the content of the Housing Authority lease. In the development of the terms of the lease, the Housing Authority must consider the limitations imposed by state and local landlord-tenant law, as well as HUD regulations and federal statutes. Because of variations in state and local landlord-tenant law, and because HUD affords Housing Authorities wide discretion in some areas, a broad range of policies could be acceptable.

The Housing Authority, with some restrictions, also has the option to terminate the tenancies of families who are over income.

The Housing Authority may consider alternatives to termination and must establish policies describing the criteria the Housing Authority will use when deciding what action to take, the types of evidence that will be acceptable, and the steps the Housing Authority must take when terminating a family's lease.

13-III.B. MANDATORY LEASE PROVISIONS [24 CFR 966.4(l)(5)]

This section addresses provisions for lease termination that must be included in the lease agreement according to HUD regulations. Although the provisions are required, HUD does not require Housing Authorities to terminate for such violations in all cases, therefore Housing Authority policies are needed.

***Definitions* [24 CFR 5.100]**

The following definitions will be used for this and other parts of this chapter:

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

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

Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with the intent to manufacture, sell, distribute, or use the drug.

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

Household means the family and Housing Authority-approved live-in aide. The term household also includes foster children and/or foster adults that have been approved to reside in the unit [HUD-50058, Instruction Booklet, p. 65].

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

Premises means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.
Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Drug Crime On or Off the Premises [24 CFR 966.4(l)(5)(i)(B)]
The lease must provide that drug-related criminal activity engaged in on or off the premises by the tenant, member of the tenant's household or guest, or any such activity engaged in on the premises by any other person under the tenant's control is grounds for termination.

> Housing Authority Policy
> The Housing Authority will terminate the lease for drug-related criminal activity engaged in on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control.
>
> The Housing Authority will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the drug-related criminal activity.
> In making its decision to terminate the lease, the Housing Authority will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F ~~.~~ Upon consideration of such alternatives and factors, the Housing Authority may, on a case-by-case basis, choose not to terminate the lease.

Illegal Use of a Drug [24 CFR 966.4(l)(5)(i)(B)]
The lease must provide that a Housing Authority may evict a family when the Housing Authority determines that a household member is illegally using a drug or that a pattern of illegal use of a

drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Housing Authority Policy
The Housing Authority will terminate the lease when the Housing Authority determines that a household member is illegally using a drug or the Housing Authority determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern of illegal drug use means more than one incident of any use of illegal drugs during the previous six months.

The Housing Authority will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs.

In making its decision to terminate the lease, the Housing Authority will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F ~~,~~ Upon consideration of such alternatives and factors, the Housing Authority may, on a case-by-case basis, choose not to terminate the lease.

Threat to Other Residents [24 CFR 966.4(l)(5)(ii)(A)]
The lease must provide that any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including Housing Authority management staff residing on the premises) or by persons residing in the immediate vicinity of the premises are grounds for termination of tenancy.

Housing Authority Policy
The Housing Authority will terminate the lease when a covered person engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including Housing Authority management staff residing on the premises) or by persons residing in the immediate vicinity of the premises.

***Immediate vicinity* means within a three-block radius of the premises.**

The Housing Authority will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the criminal activity. In making its decision to terminate the lease, the Housing Authority will consider alternatives as described in Section 13-III.D and other factors as described in Section 13-III.E. Upon consideration of such alternatives and factors, the Housing Authority may, on a case-by-case basis, choose not to terminate the lease.

Alcohol Abuse [24 CFR 966.4(l)(5)(vi)(A)]
Housing Authorities must establish standards that allow termination of tenancy if the Housing Authority determines that a household member has engaged in abuse or pattern of abuse of

alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Housing Authority Policy
The Housing Authority will terminate the lease if the Housing Authority determines that a household member has engaged in abuse or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern of such alcohol abuse means more than one incident of any such abuse of alcohol during the previous six months.

The Housing Authority will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the abuse of alcohol.

In making its decision to terminate the lease, the Housing Authority will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F . Upon consideration of such alternatives and factors, the Housing Authority may, on a case-by-case basis, choose not to terminate the lease.

Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation [24 CFR 966.4(l)(5)(vi)(B)]
Housing Authorities must establish standards that allow termination of tenancy if the Housing Authority determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

Housing Authority Policy
The Housing Authority will terminate the lease if the Housing Authority determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

The Housing Authority will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs or the abuse of alcohol, and any records or other documentation (or lack of records or documentation) supporting claims of rehabilitation of illegal drug users or alcohol abusers.

In making its decision to terminate the lease, the Housing Authority will consider alternatives as described in Section 13-III.D and other factors as described in Section 13-III.E. Upon consideration of such alternatives and factors, the Housing Authority may, on a case-by-case basis, choose not to terminate the lease.

Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]

HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are considered to be serious or repeated violations, and grounds for termination.

Housing Authority Policy

The Housing Authority will terminate the lease for the following violations of tenant obligations under the lease:

Failure to make payments due under the lease, including nonpayment of rent (see Chapter 8 for details pertaining to lease requirements for payments due);

Repeated late payment of rent or other charges. Four late payments within a 12 month period shall constitute a repeated late payment.

Failure to fulfill the following household obligations:

Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

Not to provide accommodations for boarders or lodgers

To use the dwelling unit solely as a private dwelling for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose

To abide by necessary and reasonable regulations promulgated by the Housing Authority for the benefit and well-being of the housing project and the tenants which shall be posted in the project office and incorporated by reference in the lease

To comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety

To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition

To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner

To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators

To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project

To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to project buildings, facilities or common areas) caused by the tenant, a member of the household or a guest

To act, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition

In making its decision to terminate the lease, the Housing Authority will consider alternatives as described in Section 13-III.D and other factors as described in Section 13-III.E. Upon consideration of such alternatives and factors, the Housing Authority may, on a case-by-case basis, choose not to terminate the lease.

13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(l)(2) and (5)(ii)(B)]

HUD authorizes Housing Authorities to terminate the lease for reasons other than those described in the previous sections. These reasons are referred to as "other good cause".

Other Good Cause [24 CFR 966.4(l)(2)(ii)(B) and (C)]

HUD regulations state that the Housing Authority may terminate tenancy for other good cause. The regulations provide a few examples of other good cause, but do not limit the Housing Authority to only those examples.

Housing Authority Policy

The Housing Authority will terminate the lease for the following reasons.

Fugitive Felon or Parole Violator. If a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or state law.

Persons subject to sex offender registration requirement. If any member of the household has, during their current public housing tenancy, become subject to a registration requirement under a state sex offender registration program.

Discovery after admission of facts that made the tenant ineligible

Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with reexamination of income

Failure to furnish such information and certifications regarding family composition and income as may be necessary for the Housing Authority to make determinations with respect to rent, eligibility, and the appropriateness of dwelling size

Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the Housing Authority that such a dwelling unit is available

Failure to permit access to the unit by the Housing Authority after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists

Failure to promptly inform the Housing Authority of the birth, adoption or court-awarded custody of a child. In such a case, promptly means within 10 business days of the event.

Failure to abide by the provisions of the Housing Authority pet policy

If the family has breached the terms of a repayment agreement entered into with the Housing Authority

If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

If a household member has engaged in or threatened violent or abusive behavior toward Housing Authority personnel.

> *Abusive or violent behavior towards Housing Authority personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
>
> *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate the lease, the Housing Authority will consider alternatives as described in Section 13-III.D and other factors described in Section 13-III.E. Upon consideration of such alternatives and factors, the Housing Authority may, on a case-by-case basis, choose not to terminate the lease.

Family Absence from Unit [24 CFR 982.551(i)]

It is reasonable that the family may be absent from the public housing unit for brief periods. However, the Housing Authority needs a policy on how long the family may be absent from the unit. Absence in this context means that no member of the family is residing in the unit.

Housing Authority Policy

The family must supply any information or certification requested by the Housing Authority to verify that the family is living in the unit, or relating to family absence from the unit, including any Housing Authority-requested information or certification on the purposes of family absences. The family must cooperate with the Housing Authority for this purpose.

The family must promptly notify the Housing Authority when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. In such a case promptly means within 10 business days of the start of the extended absence.

If a family is absent from the public housing unit for more than 180 consecutive days, and the family does not adequately verify that they are living in the unit, the Housing Authority will terminate the lease for other good cause.

Abandonment. If the family appears to have vacated the unit without giving proper notice, the Housing Authority will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, the Housing Authority will secure the unit immediately to prevent vandalism and other criminal activity.

Over-Income Families [24 CFR 960.261 and FR 11/26/04, p. 68786]

Subject to certain restrictions, HUD authorizes Housing Authorities to evict or terminate the tenancies of families because they are over income. Unless required to do so by local law, the Housing Authority may not evict or terminate the tenancy of a family solely because the family is over income if: (1) the family has a valid contract of participation in the Family Self-Sufficiency (FSS) program, or (2) the family is currently receiving the earned income disallowance. This rule does not require Housing Authorities to evict over-income residents, but rather gives Housing Authorities the discretion to do so thereby making units available for applicants who are income-eligible.

Housing Authority Policy

The Housing Authority may evict or terminate the tenancies of families solely because they are over income.

13-III.D. ALTERNATIVES TO TERMINATION OF TENANCY

Exclusion of Culpable Household Member [24 CFR 966.4(l)(5)(vii)(C)]

As an alternative to termination of the lease for criminal activity or alcohol abuse HUD provides that the Housing Authority may consider exclusion of the culpable household member. Such an alternative can be used, by Housing Authority policy, for any other reason where such a solution appears viable.

Housing Authority Policy

The Housing Authority may consider requiring the tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present written 3rd party written documentation of the former household member's current address.

Repayment of Family Debts

Housing Authority Policy

If a family owes amounts to the Housing Authority, as a condition of continued occupancy, the Housing Authority will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the Housing Authority of the amount owed. See Chapter 16 for policies on repayment agreements.

13-III.E. CRITERIA FOR DECIDING TO TERMINATE TENANCY

A Housing Authority that has grounds to terminate a tenancy is not required to do so, except as explained in Part II of this chapter, and may consider all of the circumstances relevant to a particular case before making a decision.

Evidence [24 CFR 982.553(c)]

For criminal activity, HUD permits the Housing Authority to terminate the lease if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted, and without satisfying the standard of proof used for a criminal conviction.

Housing Authority Policy

The Housing Authority will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

***Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.**

Consideration of Circumstances [24 CFR 966.4(l)(5)(vii)(B)]

Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HUD provides that the Housing Authority may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease.

Such relevant circumstances can also be considered when terminating the lease for any other reason.

Housing Authority Policy

The Housing Authority will consider the following factors before deciding whether to terminate the lease for any of the HUD required lease provisions or for any other reasons:

The seriousness of the offending action, especially with respect to how it would affect other residents

The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor or a person with disabilities

The effects that the eviction will have on other family members who were not involved in the action or failure to act

The effect on the community of the termination, or of the Housing Authority's failure to terminate the tenancy

The effect of the Housing Authority's decision on the integrity of the public housing program

The demand for housing by eligible families who will adhere to lease responsibilities

The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action

The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future

In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family.

Consideration of Rehabilitation [24 CFR 966.4(l)(5)(vii)(D)]
HUD authorizes Housing Authorities to take into consideration whether a household member who had used illegal drugs or abused alcohol and is no longer engaging in such use or abuse is participating in or has successfully completed a supervised drug or alcohol rehabilitation program.

Housing Authority Policy
In determining whether to terminate the lease for illegal drug use or a pattern of illegal drug use, or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse, the Housing Authority will consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully.

For this purpose the Housing Authority will require the tenant 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.

Reasonable Accommodation [24 CFR 966.7]
If the family includes a person with disabilities, the Housing Authority's decision to terminate the family's lease is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

Housing Authority Policy
If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, the Housing Authority will determine whether the behavior is related to the disability. If so, upon the family's request, the Housing Authority will determine whether alternative measures are appropriate as a reasonable accommodation. The Housing Authority will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination. See Chapter 2 for a discussion of reasonable accommodation.

Nondiscrimination Limitation [24 CFR 966.4(l)(5)(vii)(F)]
The Housing Authority's eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.

13-III.F. PROHIBITION AGAINST TERMINATING TENANCY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [Pub.L. 109-162 and 109-271]

The Violence against Women Reauthorization Act of 2005 (VAWA), provides that "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 immediate family member of the tenant's family is the victim or threatened victim of that abuse."
VAWA further provides that incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence.

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Definitions

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For the definitions of *domestic violence*, *dating violence*, *stalking*, and *immediate family member*, see section 3-III.F.

VAWA and Other Laws [Pub.L. 109-162]
VAWA does not supersede any other federal, state, or local law that provides greater protection to victims of domestic violence, dating violence, or stalking.
Moreover, VAWA does not limit the Housing Authority's duty to honor court orders issued to protect a victim or to address the distribution of property when a family breaks up.

Limits on VAWA Protections [Pub.L. 109-162]
While VAWA prohibits a Housing Authority from using domestic violence, dating violence, or stalking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit a Housing Authority's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic

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violence, dating violence, or stalking providing that the PHA does not subject the victim to a more demanding standard than other tenants.

- VAWA does not limit a Housing Authority's authority to terminate the tenancy of any public housing tenant 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.

Housing Authority Policy
In determining whether a public housing tenant who is a victim of domestic violence, dating violence, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the Housing Authority will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, or stalking
- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen within a short period of time
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location

If the tenant wishes to contest the Housing Authority's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

Victim Notification [Notice PIH 2006-42]
VAWA requires Housing Authorities to notify tenants of their rights under VAWA and to inform them about the existence of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking. (For general VAWA notification policies, see section 16-VII.) Notice PIH 2006-42 identifies two ways that a PHA may fulfill this requirement in the event of a termination or start of an eviction proceeding:

- It may enclose the form with the termination or eviction notice and direct the family to complete, sign, and return the form, if applicable, by a specified date.
- It may include language discussing the protections provided by VAWA in the termination or eviction notice and request that a tenant come to the PHA office and pick up the form if the tenant believes the VAWA protections apply.

Notice PIH 2006-42 points out that mailing the certification form in response to an incident could place the victim at risk, since the abuser may be monitoring the mail. In such cases, the notice recommends that Housing Authorities work with tenants to make other delivery arrangements.

Housing Authority Policy
The Housing Authority will follow the lease termination notice policy in section 13-IV.D. If the Housing Authority has reason to suspect that the notice might place a victim of domestic violence at risk, it will attempt to deliver the notice by hand directly to the victim. The Housing

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Authority will use the same caution if it decides to deliver VAWA information to a victim at any other time following an incident of domestic violence.

Victim Documentation [Notice PIH 2006-42]

VAWA authorizes Housing Authorities responding to incidents of actual or threatened domestic violence,dating violence, or stalking to request in writing that a tenant complete, sign, and submit a HUD approved certification form (form HUD-50066).

In lieu of a certification form, or in addition to the certification form, a tenant may provide one of the following:

- A federal, state, tribal, territorial, or local police or court record documenting the domestic violence, dating violence, or stalking
- 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 such abuse, in which the professional attests under penalty of perjury to the professional's belief that the incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation

A Housing Authority is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence, or stalking in order to receive the protections of VAWA. A Housing Authority may, at its discretion, provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

VAWA specifies that a victim of domestic violence, dating violence, or stalking must provide documentation of abuse within 14 business days after receipt of a written request for such documentation by a Housing Authority. If the victim does not provide the documentation within that time frame, or any extension approved by the Housing Authority, the victim forfeits the protections against termination afforded by VAWA, and the Housing Authority is free to evict or terminate the assistance of the victim in accordance with otherwise applicable law and lease provisions.

Housing Authority Policy

When a tenant family is facing lease termination because of the actions of a tenant, household member, guest, or other person under the tenant's control and a tenant or immediate family member of the tenant's family claims that she or he is the victim of such actions and that the actions are related to domestic violence, dating violence, or stalking, the Housing Authority will require request in writing that the individual to submit documentation affirming that claim. The written request will include explicit instructions on where, when, and to whom the documentation must be submitted. It will also state the consequences for failure to submit the documentation by the deadline.

The documentation must include two elements will consist of a completed and signed form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking. In lieu of the certification form, the PHA will accept either of the following forms of documentation:

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- A police or court record documenting the actual or threatened abuse

- Documentation by a person who has assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical or other knowledgeable professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The PHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice.
The individual claiming victim status must submit the requested documentation within 14 business days after receipt of the Housing Authority's written request or must request an extension within that time frame. The Housing Authority may, at its discretion, extend the deadline for 10 business days.
If the individual provides the requested documentation within 14 business days, or any Housing Authority-approved extension, the Housing Authority will reconsider its termination decision in light of the documentation.

If the individual does not provide the requested documentation within 14 business days, or any Housing Authority-approved extension, the Housing Authority will proceed with termination of the family's lease in accordance with applicable local, state, and federal law and the policies in this ACOP

Terminating or Evicting a Perpetrator of Domestic Violence
Although VAWA provides protection from termination for victims of domestic violence, it does not provide protection for perpetrators. In fact, VAWA gives the Housing Authority the explicit authority to bifurcate a lease, or to remove a household member from a lease, "in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant." Specific lease language affirming this authority is not necessary. Further, the authority supersedes any local, state, or other federal law to the contrary. However, if the Housing Authority chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law for eviction, lease termination, or termination of assistance [Pub.L. 109-271]. This means that the Housing Authority must follow the same rules when terminating or evicting an individual as it would when terminating or evicting an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

Housing Authority Policy
The Housing Authority will bifurcate a family's lease and terminate the tenancy of a family member if the Housing Authority determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, non-culpable family members.

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In making its decision, the Housing Authority will consider all credible evidence, including, but not limited to, a signed certification (form HUD-50066) or other documentation of abuse submitted to the Housing Authority by the victim in accordance with this section. The Housing Authority will also consider the factors in section 13.III.E. Upon such consideration, the Housing Authority may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

If the Housing Authority does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If necessary, the Housing Authority will also take steps to ensure that the remaining family members have a safe place to live during the termination process. For example, the Housing Authority may offer the remaining family members another public housing unit, if available; it may help them relocate to a confidential location; or it may refer them to a victim service provider or other agency with shelter facilities.

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Housing Authority Confidentiality Requirements [Pub.L. 109-162]

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All information provided to the Housing Authority regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared data base nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

Housing Authority Policy

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If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the Housing Authority will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

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PART IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING

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13-IV.A. OVERVIEW

HUD regulations specify the requirements for the notice that must be provided prior to lease termination. This part discusses those requirements and the specific requirements that precede and follow termination for certain criminal activities which are addressed in the regulations. This part also discusses specific requirements pertaining to the actual eviction of families and record keeping.

13-IV.B. CONDUCTING CRIMINAL RECORDS CHECKS [24 CFR 5.903(e)(ii) and 24 CFR 960.259]

HUD authorizes Housing Authorities to conduct criminal records checks on public housing residents for lease enforcement and eviction. Housing Authority policy determines when the Housing Authority will conduct such checks.

> Housing Authority Policy
>
> The Housing Authority will conduct criminal records checks when it has come to the attention of the Housing Authority, either from local law enforcement or by other means, that an individual has engaged in the destruction of property, engaged in violent activity against another person, or has interfered with the right to peaceful enjoyment of the premises of other residents. Such checks will also include sex offender registration information. In order to obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis.

The Housing Authority may not pass along to the tenant the costs of a criminal records check.

13-IV.C. DISCLOSURE OF CRIMINAL RECORDS TO FAMILY [24 CFR 5.903(f), 24 CFR 5.905(d) and 24 CFR 966.4(l)(5)(iv)]

In conducting criminal records checks, if the Housing Authority uses the authority of 24 CFR 5.903 and 5.905 to obtain such information, certain protections must be afforded the tenant before any adverse action is taken. In such cases if the Housing Authority obtains criminal records information from a state or local agency showing that a household member has been convicted of a crime, or is subject to a sex offender registration requirement, relevant to lease enforcement or eviction, the Housing Authority must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

> Housing Authority Policy
>
> In all cases where criminal record or sex offender registration information would result in lease enforcement or eviction, the Housing Authority will notify the household in writing of the proposed adverse action and will provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

The family will be given 10 business days from the date of the Housing Authority notice, to dispute the accuracy and relevance of the information. If the family does not contact the Housing Authority to dispute the information within that 10 business day period, the Housing Authority will proceed with the termination action.

13-IV.D. LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3)]

Form, Delivery, and Content of the Notice

Notices of lease termination must be in writing. The notice must state the specific grounds for termination, the date the termination will take place, the resident's right to reply to the termination notice, and their right to examine Housing Authority documents directly relevant to the termination or eviction. If the Housing Authority does not make the documents available for examination upon request by the tenant, the Housing Authority may not proceed with the eviction [24 CFR 996.4(m)].

When the Housing Authority is required to offer the resident an opportunity for a grievance hearing, the notice must also inform the resident of their right to request a hearing in accordance with the Housing Authority's grievance procedure. In these cases, the tenancy shall not terminate until the time for the tenant to request a grievance hearing has expired and the grievance procedure has been completed.

When the Housing Authority is not required to offer the resident an opportunity for a grievance hearing because HUD has made a due process determination and the lease termination is for criminal activity that threatens health, safety or right to peaceful enjoyment or for drug-related criminal activity, the notice of lease termination must state that the tenant is not entitled to a grievance hearing on the termination. It must specify the judicial eviction procedure to be used by the Housing Authority for eviction of the tenant, and state that HUD has determined that the eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations. The notice must also state whether the eviction is for a criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the Housing Authority, or for a drug-related criminal activity on or off the premises.

Housing Authority Policy

The Housing Authority will attempt to deliver notices of lease termination directly to the tenant or an adult member of the household. (For terminations related to domestic violence, see also the policy under "Victim Notification" in section 13-III.F.) If such attempt fails, the notice will be sent by first-class mail the same day.

All notices of lease termination will include a statement of the protection against termination provided by the Violence against Women Reauthorization Act of 2005 (VAWA) for victims of domestic violence, dating violence, or stalking. They will also include a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking. Any family member who claims that the cause for termination involves (a) criminal acts of physical violence against family members or others or (b) incidents of domestic violence, dating violence, or stalking of which a family member is the victim will be given the opportunity to provide documentation in accordance with the

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policies in Section 13-III.F.~~The Housing Authority will attempt to deliver notices of lease termination directly to the tenant or an adult member of the household. If such attempt fails, the notice will be sent by first class mail.~~

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Timing of the Notice [24 CFR 966.4(l)(3)(i)]

The Housing Authority must give written notice of lease termination of:

- 7 calendar days in the case of drug or criminal activity
- 14 calendar days in the case of failure to pay rent
- A reasonable period of time considering the seriousness of the situation (but not to exceed 30 calendar days)

  If the health or safety of other residents, Housing Authority employees, or persons residing in the immediate vicinity of the premises is threatened

  If any member of the household has engaged in any drug-related criminal activity or violent criminal activity

  If any member of the household has been convicted of a felony

- 30 calendar days in any other case, except that if a state or local law allows a shorter notice period, such shorter period shall apply

Housing Authority Policy

The Housing Authority will give written notice of 14 calendar days for nonpayment of rent. For all other lease terminations the Housing Authority will give 30 days written notice or, if state or local law allows less than 30 days, such shorter notice will be given.

The Notice to -Vacate that may be required under state or local law may be combined with or run concurrently with the notice of lease termination.

Notice of Non-renewal Due to Community Service Noncompliance [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)]

When the Housing Authority finds that a family is in noncompliance with the community service requirement, the tenant and any other noncompliant resident must be notified in writing of this determination. Notices of noncompliance will be issued in accordance with the requirements and policies in Section 11-I.E.

Housing Authority Policy

If after receiving a notice of initial noncompliance the family does not request a grievance hearing, or does not take either corrective action required by the notice within the required timeframe, a termination notice will be issued in accordance with the policies above.

If a family agreed to cure initial noncompliance by signing an agreement, and is still in noncompliance after being provided the 12-month opportunity to cure, the family will be issued a notice of continued noncompliance. The notice of continued noncompliance will be sent in accordance with the policies in Section 11-I.E. and will also serve as the notice of termination of tenancy.

Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]
In cases where termination of tenancy is based on citizenship status, HUD requires the notice of termination to contain additional information. In addition to advising the family of the reasons their assistance is being terminated, the notice must also advise the family of any of the following that apply: the family's eligibility for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, the family's right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and the family's right to request an informal hearing with the Housing Authority either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Please see Chapter 14 for the Housing Authority's informal hearing procedures.

13-IV.E. EVICTION [24 CFR 966.4(l)(4) and 966.4(m)]
Eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The Housing Authority may only evict the tenant from the unit by instituting a court action, unless the law of the jurisdiction permits eviction by administrative action, after a due process administrative hearing, and without a court determination of the rights and liabilities of the parties.

Housing Authority Policy
When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, the Housing Authority will follow state and local landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases.

If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, the Housing Authority will seek the assistance of the court to remove the family from the premises as per state and local law.

The Housing Authority may not proceed with an eviction action if the Housing Authority has not made available the documents to be used in the case against the family, and has not afforded the family the opportunity to examine and copy such documents in accordance with the provisions of 24 CFR 966.4(l)(3) and (m).

13-IV.F. NOTIFICATION TO POST OFFICE [24CFR 966.4(l)(5)(iii)(B)]
When the Housing Authority evicts an individual or family for criminal activity, including drug-related criminal activity, the Housing Authority must notify the local post office serving the dwelling unit that the individual or family is no longer residing in the unit.

13-IV.G. RECORD KEEPING

For more information concerning general record keeping, see Chapter 16.

Housing Authority Policy

A written record of every termination and/or eviction will be maintained by the Housing Authority at the development where the family was residing, and will contain the following information:

Name of resident, number and identification of unit occupied

Date of the notice of lease termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905)

Date and method of notifying the resident

Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions

Chapter 14
GRIEVANCES AND APPEALS

INTRODUCTION

This chapter discusses grievances and appeals pertaining to Housing Authority actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

> Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.
>
> Part II: Informal Hearings with Regard to Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.
>
> Part III: Grievance Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

Note that this chapter is not the Housing Authority's grievance procedure. The grievance procedure is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure.

PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS

14-I.A. OVERVIEW

When the Housing Authority makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses the Housing Authority policies necessary to respond to applicant appeals through the informal hearing process.

14-I.B. INFORMAL HEARING PROCESS [24 CFR 960.208(a)]. ~~and PH Occ GB, p. 58}~~

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program, but is not yet a tenant in the program. Informal hearings are intended to provide a means for an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants in the Housing Authority grievance procedure [24 CFR 966.53(a) ~~and PH Occ GB, p. 58~~].

Informal hearings provide the applicant a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available, and to claim mitigating circumstances if possible.

Use of Informal Hearing Process

While the Housing Authority must offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission, the Housing Authority could make the informal hearing process available to applicants who wish to dispute other Housing Authority actions that adversely affect them.

> Housing Authority Policy
>
> The Housing Authority will only offer informal hearings to applicants for the purpose of disputing denials of admission.

Notice of Denial [24 CFR 960.208(a)]

The Housing Authority must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for the Housing Authority decision, and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial. See Section 3-III.F. for details concerning this requirement.

Scheduling an Informal Hearing

Housing Authority Policy
A request for an informal hearing must be made in writing and delivered to the Housing Authority either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the Housing Authority's notification of denial of admission.

The Housing Authority must schedule and send written notice of the informal hearing within 10 business days of the family's request.

Conducting an Informal Hearing ~~[PH Occ GB, p. 58]~~

Housing Authority Policy
The informal hearing will be conducted by a person other than the one who made the decision under review at a supervisory level, or a hearing officer.

The applicant will be provided an opportunity to present written or oral objections to the decision of the Housing Authority.

The person conducting the informal hearing will make a recommendation to the Housing Authority, but the Housing Authority is responsible for making the final decision as to whether admission should be granted or denied.

Informal Hearing Decision ~~[PH Occ GB, p. 58]~~

Housing Authority Policy
The Housing Authority will notify the applicant of the Housing Authority's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, the Housing Authority will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice
The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in Housing Authority policy, then the decision to deny assistance will be overturned. See Chapter 3 for a detailed discussion of the grounds for applicant denial.

The validity of the evidence. The Housing Authority will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, the Housing Authority will uphold the decision to deny admission.

If the facts prove the grounds for denial, and the denial is discretionary, the Housing Authority will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.

The Housing Authority will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed, with return receipt requested, within 10 business days of the informal hearing, to the applicant and his or her representative, if any.

If the informal hearing decision overturns the denial, processing for admission will resume.

If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]
Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and the Housing Authority must consider such accommodations. The Housing Authority must also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS

14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the Housing Authority hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the Housing Authority informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

As discussed in Chapters 3 and 13, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with the Housing Authority either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]

When the Housing Authority receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the Housing Authority must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide the Housing Authority with a copy of the written request for appeal and proof of mailing.

Housing Authority Policy
The Housing Authority will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results.

The family must provide the Housing Authority with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the Housing Authority, of its decision. When the USCIS notifies the Housing Authority of the decision, the Housing Authority must notify the family of its right to request an informal hearing.

Housing Authority Policy
The Housing Authority will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]
After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that the Housing Authority provide a hearing. The request for a hearing must be made either within 30 days of receipt of the Housing Authority notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

Informal Hearing Officer
The Housing Authority must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

Evidence
The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of the Housing Authority pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

Housing Authority Policy
The family will be allowed to copy any documents related to the hearing at a cost of $.25 per page. The family must request discovery of Housing Authority documents no later than 2 business days prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the Housing Authority, and to confront and cross-examine all witnesses on whose testimony or information the Housing Authority relies.

Representation and Interpretive Services
The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or the Housing Authority, as may be agreed upon by the two parties. If the family does not arrange for their own interpreter, the Housing Authority is still obligated to provide oral translation services in accordance with its LEP Plan.

Recording of the Hearing
The family is entitled to have the hearing recorded by audiotape. The Housing Authority may, but is not required to provide a transcript of the hearing.

> Housing Authority Policy
> The Housing Authority will not provide a transcript of an audio taped informal hearing.

Hearing Decision
The Housing Authority must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The notice must state the basis for the decision.

Retention of Documents [24 CFR 5.514(h)]
The Housing Authority must retain for a minimum of 5 years the following documents that may have been submitted to the Housing Authority by the family, or provided to the Housing Authority as part of the USCIS appeal or the Housing Authority informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]
After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that the Housing Authority provide a hearing. The request for a

hearing must be made either within 30 days of receipt of the Housing Authority notice of termination, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Part III below.

PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

14-III.A. REQUIREMENTS [24 CFR 966.52]

Housing Authorities must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any Housing Authority action or failure to act involving the lease or Housing Authority policies which adversely affect their rights, duties, welfare, or status.

~~The Housing Authority grievance procedure must be included in, or incorporated by reference in, the lease.~~

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Housing Authority Policy
The Housing Authority grievance procedure will be incorporated by reference in the tenant lease.

The Housing Authority must provide at least 30 days notice to tenants and resident organizations setting forth proposed changes in the Housing Authority grievance procedure, and providing an opportunity to present written comments. Comments submitted must be considered by the Housing Authority before adoption of any grievance procedure changes by the Housing Authority.

Housing Authority Policy
Residents and resident organizations will have 30 calendar days from the date they are notified by the Housing Authority of any proposed changes in the Housing Authority grievance procedure, to submit written comments to the Housing Authority.

The Housing Authority must furnish a copy of the grievance procedure to each tenant.

14-III.B. DEFINITIONS [24 CFR 966.53; 24 CFR 966.51(a)(2)(i)]

There are several terms used by HUD with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

- **Grievance** – any dispute which a tenant may have with respect to Housing Authority action or failure to act in accordance with the individual tenant's lease or Housing Authority regulations which adversely affect the individual tenant's rights, duties, welfare or status

- **Complainant** – any tenant whose grievance is presented to the Housing Authority or at the project management office

- **Due Process Determination** – a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit

- **Elements of Due Process** – an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required:

- Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction
- Right of the tenant to be represented by counsel
- Opportunity for the tenant to refute the evidence presented by the Housing Authority including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have
- A decision on the merits

- **Hearing Officer** – a person selected in accordance with HUD regulations to hear grievances and render a decision with respect thereto

- **Tenant** – the adult person (or persons) (other than a live-in aide)
  - Who resides in the unit, and who executed the lease with the Housing Authority as lessee of the dwelling unit, or, if no such person now resides in the unit,
  - Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit

- **Resident Organization** – includes a resident management corporation

14-III.C. APPLICABILITY [24 CFR 966.51]

Potential grievances could address most aspects of a Housing Authority's operation. However, there are some situations for which the grievance procedure is not applicable.

The grievance procedure is applicable only to individual tenant issues relating to the Housing Authority. It is not applicable to disputes between tenants not involving the Housing Authority. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of the Housing Authority.

If HUD has issued a due process determination, a Housing Authority may exclude from the Housing Authority grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

- **Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the Housing Authority**

- **Any violent or drug-related criminal activity on or off such premises**

- **Any criminal activity that resulted in felony conviction of a household member**

In states without due process determinations, Housing Authorities must grant opportunity for grievance hearings for all lease terminations, regardless of cause, but may use expedited grievance procedures, as described in Section 14-III.E. below, to deal with the first two of the above three categories of lease terminations.

If HUD has issued a due process determination, the Housing Authority may evict through the state/local judicial eviction procedures. In this case, the Housing Authority is not required to provide the opportunity for a hearing under the Housing Authority's grievance procedure as described above.

Housing Authority Policy

The Housing Authority is located in a due process state. Therefore, the Housing Authority will not offer grievance hearings for lease terminations involving criminal activity that resulted in a felony conviction of a household member or that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the Housing Authority, or for drug-related criminal activity on or off the premises.

~~See Chapter 13 for related policies on the content of termination notices.~~

14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]

HUD regulations state that any grievance must be personally presented, either orally or in writing, to the Housing Authority office or to the office of the project in which the complainant resides so that the grievance may be discussed informally and settled without a hearing.

Housing Authority Policy

The Housing Authority will accept requests for an informal settlement of a grievance either orally or in writing, to the Housing Authority office within 10 business days of the grievable event. Within 10 business days of receipt of the request the Housing Authority will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.

If a tenant fails to attend the scheduled meeting without prior notice, the Housing Authority will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in the Housing Authority's tenant file.

The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

Housing Authority Policy
The Housing Authority will prepare a summary of the informal settlement within 10 business days; one copy to be given to the tenant and one copy to be retained in the Housing Authority's tenant file.

For Housing Authorities who have the option to establish an expedited grievance procedure, and who exercise this option, the informal settlement of grievances is not applicable to those grievances for which the expedited grievance procedure applies.

14-III.E. PROCEDURES TO OBTAIN A HEARING [24 CFR 966.55]

Requests for Hearing and Failure to Request [24 CFR 966.55(a), (c), and (d)]

All grievances must be presented in accordance with the informal procedures prescribed above as a condition prior to a grievance hearing. However, if the complainant can show good cause for failure to proceed with the informal settlement process to the hearing officer, the hearing officer may waive this provision [24 CFR 966.55(d)].

The complainant must submit the request in writing for a grievance hearing within a reasonable time after receipt of the summary of informal discussion [24 CFR 966.55(a)]. The request must specify the reasons for the grievance and the action or relief sought.

Housing Authority Policy
The resident must submit a written request for a grievance hearing to the Housing Authority within 10 business days of the tenant's receipt of the summary of the informal settlement.

If the complainant does not request a hearing, the Housing Authority's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest the Housing Authority's action in disposing of the complaint in an appropriate judicial proceeding [24 CFR 966.55(c)].

Scheduling of Hearings [24 CFR 966.55(f)]

If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer promptly for a time and place reasonably convenient to both the complainant and the Housing Authority. A written notification specifying the time, place and the procedures governing the hearing must be delivered to the complainant and the appropriate Housing Authority official.

Housing Authority Policy
Within 10 business days of receiving a written request for a hearing, the hearing officer will schedule and send written notice of the hearing to both the complainant and the Housing Authority.

The Housing Authority may wish to permit the tenant to request to reschedule a hearing for good cause.

Housing Authority Policy
The tenant may request to reschedule a hearing once for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made in writing at least 24 hours prior to the hearing date. The Housing Authority will request 3rd party verification of the "good cause" prior to rescheduling the hearing.

14-III.F. SELECTION OF HEARING OFFICER [24 CFR 966.55(b)]
The grievance hearing must be conducted by an impartial person or persons appointed by the Housing Authority, other than the person who made or approved the Housing Authority action under review, or a subordinate of such person.

Housing Authority Policy
Housing Authority grievance hearings will be conducted by a single hearing officer and not a panel. The Housing Authority has designated the following to server as hearing officers:

- Housing Authority Staff at a Supervisory or Management Level
- Independent third party hired as a Hearing Officer

~~The Housing Authority must determine the methodology for appointment of the hearing officer and it must be stated in the grievance procedure.~~

Housing Authority Policy
The Housing Authority will appoint a person who has been selected in the manner required under the grievance procedure. Efforts will be made to assure that the person selected is not a friend, nor enemy, of the complainant and that they do not have a personal stake in the matter under dispute or will otherwise have an appearance of a lack of impartiality.

14-III.G. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56]
Rights of Complainant [24 CFR 966.56(b)]

The complainant will be afforded a fair hearing. Which~~This~~ includes:

- The opportunity to examine before the grievance hearing any Housing Authority documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant's expense. If the Housing Authority does not make the document available for examination upon request by the complainant, the Housing Authority may not rely on such document at the grievance hearing.

Housing Authority Policy
The tenant will be allowed to copy any documents related to the hearing at a cost of $.25 per page. The family must request discovery of Housing Authority documents no later than two business days prior to the hearing.

- The right to be represented by counsel or other person chosen as the tenant's representative and to have such person make statements on the tenant's behalf.

  Housing Authority Policy
  Hearings may be attended by the following applicable persons:

  A Housing Authority representative(s) and any witnesses for the Housing Authority

  The tenant and any witnesses for the tenant

  The tenant's counsel or other representative

  Any other person approved by the Housing Authority as a reasonable accommodation for a person with a disability

- The right to a private hearing unless the complainant requests a public hearing.

- The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by the Housing Authority or project management, and to confront and cross-examine all witnesses upon whose testimony or information the Housing Authority or project management relies.

- A decision based solely and exclusively upon the facts presented at the hearing.

Decision without Hearing [24 CFR 966.56(c)]
The hearing officer may render a decision without proceeding with the hearing if the hearing officer determines that the issue has been previously decided in another proceeding.

Failure to Appear [24 CFR 966.56(d)]
If the complainant or the Housing Authority fails to appear at a scheduled hearing, the hearing officer may make a determination to postpone the hearing for not to exceed five business days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and the Housing Authority must be notified of the determination by the hearing officer: Provided, ~~That~~ a determination that the complainant has waived his/her right to a hearing will not constitute a waiver of any right the complainant may have to contest the Housing Authority's disposition of the grievance in an appropriate judicial proceeding.

There may be times when a complainant does not appear due to unforeseen circumstances which are out of their control and are no fault of their own.

Housing Authority Policy

If the tenant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 30 minutes. If the tenant appears within 30 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 30 minutes of the scheduled time, they will be considered to have failed to appear.

If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact the Housing Authority within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

"Good cause" is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

General Procedures [24 CFR 966.56(e), (f), and (g)]

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the Housing Authority must sustain the burden of justifying the Housing Authority action or failure to act against which the complaint is directed ~~[24 CFR 966.56(e)]~~.

The hearing must be conducted informally by the hearing officer. The Housing Authority and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint and question any witnesses. In general, all evidence is admissible and may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings ~~[24 CFR 966.56(f)]~~.

Housing Authority Policy

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

Oral evidence: the testimony of witnesses

Documentary evidence: a writing which is relevant to the case, for example, a letter written to the Housing Authority. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

If the Housing Authority fails to comply with the discovery requirements (providing the tenant with the opportunity to examine Housing Authority documents prior to the grievance hearing), the hearing officer will refuse to admit such evidence.

Other than the failure of the Housing Authority to comply with discovery requirements, the hearing officer has the authority to overrule any objections to evidence.

The hearing officer must require the Housing Authority, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate [24 CFR 966.56(f)].

The complainant or the Housing Authority may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript [24 CFR 966.56(g)].

Housing Authority Policy
If the complainant would like the Housing Authority to record the proceedings by audiotape, the request must be made to the Housing Authority at least two business days prior to the hearing.

The Housing Authority will consider that an audio tape recording of the proceedings is a transcript.

Accommodations of Persons with Disabilities [24 CFR 966.56(h)]
The Housing Authority must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.

If the tenant is visually impaired, any notice to the tenant which is required in the grievance process must be in an accessible format.
~~See C~~Ch~~h~~apter 2 for a thorough discussion of the Housing Authority's responsibilities pertaining to reasonable accommodation.

14-III.H. DECISION OF THE HEARING OFFICER/ [24 CFR 966.57 (a)(b)(c)~~]~~
The hearing officer must issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the decision must be sent to the tenant and the Housing Authority. The Housing Authority must retain a copy of the decision in the tenant's folder. A copy of the decision, with all names and identifying references deleted, must also be maintained on file by the Housing Authority and made available for inspection by a prospective complainant, his/her representative, or the hearing officer [24 CFR 966.57(a)].

Housing Authority Policy

In rendering a decision, the hearing officer will consider the following matters:

Housing Authority Notice to the Family: The hearing officer will determine if the reasons for the Housing Authority's decision are factually stated in the notice.

Discovery: The hearing officer will determine if the family was given the opportunity to examine any relevant documents in accordance with Housing Authority policy.

Housing Authority Evidence to Support the Housing Authority Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support the Housing Authority's conclusion.

Validity of Grounds for Termination of Tenancy (when applicable): The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations and Housing Authority policies. If the grounds for termination are not specified in the regulations or in compliance with Housing Authority policies, then the decision of the Housing Authority will be overturned.

The hearing officer will issue a written decision to the family and the Housing Authority no later than 10 business days after the hearing. The report will contain the following information:

Hearing information:

Name of the complainant
Date, time and place of the hearing
Name of the hearing officer
Name of the Housing Authority representative(s)
Name of family representative (if any)
Names of witnesses (if any)

Background: A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.

Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which

is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. ~~Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.~~

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold the Housing Authority's decision.

Order: The hearing report will include a statement of whether the Housing Authority's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the Housing Authority to change the decision in accordance with the hearing officer's determination. In the case of termination of tenancy, the hearing officer will instruct the Housing Authority to restore the family's status.

Procedures for Further Hearing

Housing Authority Policy

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of the Housing Authority will take effect and another hearing will not be granted.

Final Decision [24 CFR 966.57(b)]

The decision of the hearing officer is binding on the Housing Authority which must take the action, or refrain from taking the action cited in the decision unless the Housing Authority Board of Commissioners determines within a reasonable time, and notifies the complainant that:

- The grievance does not concern Housing Authority action or failure to act in accordance with or involving the complainant's lease on Housing Authority policies which adversely affect the complainant's rights, duties, welfare, or status; or

- The decision of the hearing officer is contrary to Federal, state, or local law, HUD regulations or requirements of the annual contributions contract between HUD and the Housing Authority

A decision by the hearing officer in favor of the Housing Authority or which denies the relief requested by the complainant in whole or in part must not constitute a waiver of any rights the complainant may have to a subsequent trial or judicial review in court [24 CFR 966.57(c)].

Chapter 15
PROGRAM INTEGRITY

INTRODUCTION

The Housing Authority is committed to ensuring that funds made available to the Housing Authority are spent in accordance with HUD requirements.

This chapter covers HUD and Housing Authority policies designed to prevent, detect, investigate and resolve instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

> Part I: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents Housing Authority policies related to preventing, detecting, and investigating errors and program abuse.
>
> Part II: Corrective Measures and Penalties. This part describes the corrective measures the Housing Authority must and may take when errors or program abuses are found.

PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

15-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

Housing Authority Policy

The Housing Authority anticipates that the vast majority of families and Housing Authority employees intend to and will comply with program requirements and make reasonable efforts to avoid errors.

To ensure that the Housing Authority's program is administered effectively and according to the highest ethical and legal standards, the Housing Authority will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

The Housing Authority will provide each applicant and resident with the publication *Things You Should Know (HUD-1140-OIG)* that explains the types of actions a family must avoid and the penalties for program abuse.

The Housing Authority will require mandatory orientation sessions for all prospective residents either prior to or upon execution of the lease. The Housing Authority will discuss program compliance and integrity issues. At the conclusion of all program orientation sessions, the family representative will be required to sign a program briefing certificate to confirm that all rules and pertinent regulations were explained to them.

The Housing Authority will routinely provide resident counseling as part of every reexamination interview in order to clarify any confusion pertaining to program rules and requirements.

Housing Authority staff will be required to review and explain the contents of all HUD- and Housing Authority-required forms prior to requesting family member signatures.

The Housing Authority will place a warning statement about the penalties for fraud (as described in the False Statement Act, U.S.C. 1001 and 1010) on key Housing Authority forms and form letters that request information from a family member.

The Housing Authority will provide each Housing Authority employee with the necessary training on program rules and the organization's standards of conduct and ethics.

For purposes of this chapter the term *error* refers to an unintentional error or omission.

P*rogram abuse or fraud* refers to a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

15-I.B. DETECTING ERRORS AND PROGRAM ABUSE

In addition to taking steps to prevent errors and program abuse, the Housing Authority will use a variety of activities to detect errors and program abuse.

Quality Control and Analysis of Data

Housing Authority Policy

The Housing Authority will employ a variety of methods to detect errors and program abuse, including:

The Housing Authority routinely will use available sources of up-front income verification to compare with family-provided information.

At each annual reexamination, current information provided by the family will be compared to information provided at the last annual reexamination to identify inconsistencies and incomplete information.

The Housing Authority will compare family-reported income and expenditures to detect possible unreported income.

Independent Audits and HUD Monitoring

OMB Circular A-133 requires the~~all~~ Housing Authority~~ties~~ that expend $500,000 or more in federal awards annually to have an independent audit (IPA). In addition, HUD conducts periodic on-site and automated monitoring of Housing Authority activities and notifies the Housing Authority of errors and potential cases of program abuse.

Housing Authority Policy

The Housing Authority will use the results reported in any independent audit~~IPA~~ or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the Housing Authority's error detection and abuse prevention efforts.

Individual Reporting of Possible Errors and Program Abuse

Housing Authority Policy

The Housing Authority will encourage staff, residents, and the public to report possible program abuse.

15-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

When the Housing Authority Will Investigate

Housing Authority Policy

The Housing Authority will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation. In order for the Housing Authority to investigate, the allegation must contain at least one independently-verifiable item of information, such as the name of an employer or the name of an unauthorized household member.

The Housing Authority will investigate inconsistent information related to the family that is identified through file reviews and the verification process.

Consent to Release of Information [24 CFR 960.259]

The Housing Authority may investigate possible instances of error or abuse using all available Housing Authority and public records. If necessary, the Housing Authority will require applicant/resident families to give consent to the release of additional information.

Analysis and Findings

Housing Authority Policy

The Housing Authority will base its evaluation on a preponderance of the evidence collected during its investigation.

~~*Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.~~

For each investigation the Housing Authority will determine

(1) Whether an error or program abuse has occurred,

(2) Whether any amount of money is owed the Housing Authority, and

(3) What corrective measures or penalties will be assessed.

Consideration of Remedies

All errors and instances of program abuse must be corrected prospectively. Whether the Housing Authority will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

Housing Authority Policy

In the case of family-caused errors or program abuse, the Housing Authority will take into consideration

(1) The seriousness of the offense and the extent of participation or culpability of individual family members,

(2) Any special circumstances surrounding the case,

(3) Any mitigating circumstances related to the disability of a family member,

(4) The effects of a particular remedy on family members who were not involved in the offense.

Notice and Appeals

Housing Authority Policy

The Housing Authority will inform the relevant party in writing of its findings and remedies within 10 business days of the conclusion of the investigation. The notice will include

(1) a description of the error or program abuse,

(2) the basis on which the Housing Authority determined the error or program abuses,

(3) the remedies to be employed, and

(4) the family's right to appeal the results through an informal hearing or grievance hearing (~~see~~ Chapter 14).

PART II: CORRECTIVE MEASURES AND PENALTIES

15-II.A. UNDER- OR OVERPAYMENT

An under- or overpayment includes an incorrect tenant rent payment by the family, or an incorrect utility reimbursement to a family.

Corrections

Whether the incorrect rental determination is an overpayment or underpayment, the Housing Authority must promptly correct the tenant rent and any utility reimbursement prospectively.

> Housing Authority Policy
>
> Increases in the tenant rent will be implemented only after the family has received 30 days notice.
>
> Any decreases in tenant rent will become effective the first of the month following the discovery of the error.

Reimbursement

Whether the family is required to reimburse the Housing Authority or the Housing Authority is required to reimburse the family depends upon which party is responsible for the incorrect payment and whether the action taken was an error or program abuse. Policies regarding reimbursement are discussed in the three sections that follow.

15-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE

General administrative requirements for participating in the program are discussed throughout the ACOP. This section deals specifically with errors and program abuse by family members. An incorrect rent determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows the Housing Authority to use incorrect information provided by a third party.

Family Reimbursement to Housing Authority

> Housing Authority Policy
>
> In the case of family-caused errors or program abuse, the family will be required to repay any amounts of rent underpaid. The Housing Authority may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the amount owed, the Housing Authority will terminate the family's lease in accordance with the policies in Chapter 13.

Housing Authority Reimbursement to Family

> Housing Authority Policy
>
> The Housing Authority will not reimburse the family for any overpayment of rent when the overpayment clearly is caused by the family.

Prohibited Actions
An applicant or resident in the public housing program must not knowingly:

- Make a false statement to the Housing Authority [Title 18 U.S.C. Section 1001].

- Provide incomplete or false information to the Housing Authority [24 CFR 960.259(a)(4)].

- Commit fraud, or make false statements in connection with an application for assistance or with reexamination of income [24 CFR 966.4(l)(2)(iii)(C)].

Housing Authority Policy
Any of the following will be considered evidence of family program abuse:

Offering bribes or illegal gratuities to the Housing Authority Board of Commissioners, employees, contractors, or other Housing Authority representatives

Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to the Housing Authority on the family's behalf

Use of a false name or the use of falsified, forged, or altered documents
Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition)

Omitted facts that were obviously known by a family member (e.g., not reporting employment income)

Admission of program abuse by an adult family member

The Housing Authority may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

Penalties for Program Abuse
In the case of program abuse caused by a family the Housing Authority may, at its discretion, impose any of the following remedies.

- The Housing Authority will require the family to repay any amounts owed to the program (Section~~see~~ 15-II.B., Family Reimbursement to Housing Authority).

- The Housing Authority will require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit, ~~. See policies in~~ Chapter 3 (for applicants) and Chapter 13 (for residents).

- The Housing Authority will deny admission or terminate the family's lease following the policies set forth in Chapter 3 and Chapter 13~~ respectively~~..

- The Housing Authority will refer the family for state or federal criminal prosecution as described in section 15-II.D.

15-II.C. Housing Authority-CAUSED ERRORS OR PROGRAM ABUSE
The responsibilities and expectations of Housing Authority staff with respect to normal program administration are discussed throughout the ACOP. This section specifically addresses actions of a Housing Authority staff member that are considered errors or program abuse related to the public housing program. Additional standards of conduct may be provided in the Housing Authority personnel policy.

Housing Authority-caused incorrect rental determinations include (1) failing to correctly apply public housing rules regarding family composition, income, assets, and expenses, and (2) errors in calculation.

Repayment to the Housing Authority
The family is not required to repay an underpayment of rent if the error or program abuse is caused by Housing Authority staff.

Housing Authority Reimbursement to Family

Housing Authority Policy
The Housing Authority will reimburse a family for any family overpayment of rent, regardless of whether the overpayment was the result of staff-caused error or staff program abuse.

Prohibited Activities

Housing Authority Policy
Any of the following will be considered evidence of program abuse by Housing Authority staff:

Failing to comply with any public housing program requirements for personal gain

Failing to comply with any public housing program requirements as a result of a conflict of interest relationship with any applicant or resident

Seeking or accepting anything of material value from applicants, residents, vendors, contractors, or other persons who provide services or materials to the Housing Authority

Disclosing confidential or proprietary information to outside parties

Gaining profit as a result of insider knowledge of Housing Authority activities, policies, or practices

Misappropriating or misusing public housing funds

Destroying, concealing, removing, or inappropriately using any records related to the public housing program

Committing any other corrupt or criminal act in connection with any federal housing program

15-II.D. CRIMINAL PROSECUTION

Housing Authority Policy

When the Housing Authority determines that program abuse by a family or Housing Authority staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, the Housing Authority will refer the matter to the appropriate entity for prosecution. When the amount of underpaid rent meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG).

Other criminal violations related to the public housing program will be referred to the appropriate local, state, or federal entity.

15-II.E. FRAUD AND PROGRAM ABUSE RECOVERIES

Housing Authorities who enter into a repayment agreement with a family to collect rent owed, initiate litigation against the family to recover rent owed, or begin eviction proceedings against a family may retain 100 percent of program funds that the Housing Authority recovers [Notice PIH 2005-7 (HA)].

If the Housing Authority does none of the above, all amounts that constitute an underpayment of rent must be returned to HUD.

The family must be afforded the opportunity for a hearing through the Housing Authority's grievance process.

Chapter 16
PROGRAM ADMINISTRATION

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INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in six parts as described below:

Part I: Setting Utility Allowances. This part describes how utility allowances are established and revised. Also discussed are the requirements to establish surcharges for excess consumption of Housing Authority-furnished utilities.

Part II: Establishing Flat Rents and Public Housing Maximum Rents. This part describes the requirements and policies related to establishing and updating flat rent amounts and public housing maximum rents.

Part III: Repayment of Family Debts. This part contains policies for recovery of monies that have been underpaid by families, and describes the circumstances under which the Housing Authority will offer repayment agreements to families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part IV: Public Housing Assessment System (~~PHA~~PHAS~~S~~). This part describes the ~~PHA~~PHAS ~~S~~ indicators, how Housing Authorities are scored under ~~PHA~~PHAS~~S~~, and how those scores affect a Housing Authority.

Part V: Record-Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies the Housing Authority will follow.

Part VI: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level. This part describes the Housing Authority's reporting responsibilities related to children with environmental intervention blood lead levels that are living in public housing.

PART I: SETTING UTILITY ALLOWANCES [24 CFR 965 Subpart E]

16-I.A. OVERVIEW

Housing Authorities must establish allowances for Housing Authority-furnished utilities for all check metered utilities and for resident-purchased utilities for all utilities purchased directly by residents from a utility supplier [24 CFR 965.502(a)].

Housing Authorities must also establish surcharges for excess consumption of Housing Authority-furnished utilities [24 CFR 965.506].

The Housing Authority must maintain a record that documents the basis on which utility allowances and scheduled surcharges are established and revised, and the record must be made available for inspection by residents [24 CFR 965.502(b)].

16-I.B UTILITY ALLOWANCES

The Housing Authority must establish separate allowances for each utility and for each category of dwelling units the Housing Authority determines to be reasonably comparable as to factors affecting utility usage [24 CFR 965.503].

The objective of a Housing Authority in establishing utility allowances for each dwelling unit category and unit size is to approximate a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment [24 CFR 965.505].

Utilities include gas, electricity, and fuel for heating, water, sewerage, and solid waste disposal for a dwelling unit. In addition, if the Housing Authority does not furnish a range and refrigerator, the family must be granted a utility allowance for the range and refrigerator they provide [24 CFR 965.505].

Costs for telephone, cable/satellite TV, and internet services are not considered utilities ~~[PH Occ GB, p. 138]~~.

Utility allowance amounts will vary by the rates in effect, size and type of unit, climatic location and sitting of the unit, type of construction, energy efficiency of the dwelling unit, and other factors related to the physical condition of the unit. Utility allowance amounts will also vary by residential demographic characteristics affecting home energy usage .
~~[PH Occ GB, p. 138].~~
~~Chapter 14 of the *PH Occupancy Guidebook* provides detailed guidance to the Housing Authority about establishing utility allowances.~~

Air-Conditioning

"If a Housing Authority installs air conditioning, it shall provide, to the maximum extent economically feasible, systems that give residents the option of choosing to use air conditioning in their units. The design of systems that offer each resident the option to choose air conditioning shall include retail meters or check meters, and residents shall pay for the energy used in its operation. For systems that offer residents the option to choose air conditioning but cannot be

check metered, residents are to be surcharged in accordance with 965.506. If an air conditioning system does not provide for resident option, residents are not to be charged, and these systems should be avoided whenever possible." [24 CFR 965.505(e)].

Housing Authority Policy
The Housing Authority has -installed air-conditioning.

Utility Allowance Revisions [24 CFR 965.507]
The Housing Authority must review at least annually the basis on which utility allowances have been established and must revise the allowances if necessary in order to adhere to the standards for establishing utility allowances that are contained in 24 CFR 965.505.

The Housing Authority may revise its allowances for resident-purchased utilities between annual reviews if there is a rate change, and is required to do so if such change, by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which the allowance was based.

Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account became effective.

Housing Authority Policy
Between annual reviews of utility allowances, the Housing Authority will only revise its utility allowances due to a rate change, when required to by the regulation.

16-I.C. SURCHARGES FOR Housing Authority-FURNISHED UTILITIES [24 CFR 965.506]
For dwelling units subject to allowances for Housing Authority-furnished utilities where check meters have been installed, the Housing Authority must establish surcharges for utility consumption in excess of the allowances. Surcharges may be computed on a straight per unit of purchase basis or for stated blocks of excess consumption, and must be based on the Housing Authority's average utility rate. The basis for calculating the surcharges must be described in the Housing Authority's schedule of allowances. Changes in the amount of surcharges based directly on changes in the Housing Authority's average utility rate are not subject to the advance notice requirements discussed under 16-I.D.

~~For dwelling units served by Housing Authority-furnished utilities where check meters have not been installed, the Housing Authority must establish schedules of surcharges indicating additional dollar amounts residents will be required to pay by reason of estimated utility consumption attributable to resident-owned major appliances or to optional functions of Housing Authority-furnished equipment. The surcharge schedule must state the resident-owned equipment (or functions of Housing Authority-furnished equipment) for which surcharges will be made and the amounts of such charges. Surcharges must be based on the cost to the Housing Authority of the utility consumption estimated to be attributable to reasonable usage of such equipment.~~

Housing Authority Policy
The Housing Authority does have Housing Authority-furnished utilities.

16-I.D. NOTICE REQUIREMENTS [965.502]
The Housing Authority must give notice to all residents of proposed allowances and scheduled surcharges, and revisions thereof. The notice must be given in the manner provided in the lease and must:

- Be provided at least 60 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.

- Describe the basis for determination of the allowances, scheduled surcharges, or revisions, including a statement of the specific items of equipment and function whose utility consumption requirements were included in determining the amounts of the allowances and schedule of surcharges.

- Notify residents of the place where the Housing Authority's documentation on which allowances and surcharges are based is available for inspection.

- Provide all residents an opportunity to submit written comments during a period expiring not less than 30 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.

16-I.E. REASONABLE ACCOMMODATION [24 CFR 965.508]
On request from a family that includes a disabled or elderly person, the Housing Authority must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family ~~[PH Occ GB, p. 172]~~..

Likewise, residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability-.~~[PH Occ GB, p. 172]~~.

See Chapter 2 for policies regarding the request and approval of reasonable accommodations.

PART II: ESTABLISHING FLAT RENTS AND PUBLIC HOUSING MAXIMUM RENTS

16-II.A. OVERVIEW

Flat rents are designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

Public housing maximum rents are needed to prorate assistance for a mixed family. A mixed family is one whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigrations status [24 CFR 5.504].

This part discusses how the Housing Authority establishes and updates flat rents and public housing maximum rents. Policies related to the use of flat rents, family choice of rent, flat rent hardships, and public housing maximum rents are discussed in Chapter 6.

16-II.B. FLAT RENTS [24 CFR 960.253(b)]

Establishing Flat Rents

Flat rents for public housing units are based on the market rent charged for comparable units in the private unassisted rental market. The flat rent should be equal to the estimated rent for which the Housing Authority could promptly lease the public housing unit after preparation for occupancy.

The Housing Authority must use a reasonable method to determine flat rents. In determining flat rents, Housing Authorities must consider the following:

- Location
- Quality
- Unit size
- Unit type
- Age of property
- Amenities at the property and in immediate neighborhood
- Housing services provided
- Maintenance provided by the Housing Authority
- Utilities provided by the Housing Authority

Review of Flat Rents

The Housing Authority must ensure that flat rents continue to mirror market rent values [24 CFR 960.253(b)].

> Housing Authority Policy
> The Housing Authority will review flat rents on an annual basis, and adjust them as necessary to ensure that flat rents continue to mirror market rent values.

Posting of Flat Rents

Housing Authority Policy
The Housing Authority will publicly post the schedule of flat rents in a conspicuous manner in the applicable Housing Authority or project office.

Documentation of Flat Rents [24 CFR 960.253(b)(5)]
The Housing Authority must maintain records that document the method used to determine flat rents, and that show how flat rents were determined by the Housing Authority in accordance with this method.

16-II.C. PUBLIC HOUSING MAXIMUM RENTS

Establishing Public Housing Maximum Rents
Housing Authorities are prohibited from making financial assistance available to persons who are not citizens or nationals of the United States, and to those who do not have eligible immigration status [24 CFR 5.500]. Therefore, in order to assist mixed families, Housing Authorities must prorate assistance. Public housing maximum rents are needed in order to calculate the tenant rent for a mixed family.

The public housing maximum rent is based on value of the 95th percentile of the total tenant payment (TTP) for each tenant within the Housing Authority. Housing Authorities may calculate a maximum rent on either a Housing Authority- or project wide basis. A separate maximum rent can be provided for each separate project or projects may be combined into logical groups, if appropriate. HUD recommends that a single project basis be avoided for a project unless at least 50 dwelling units are involved.

Housing Authorities may use the "direct comparison" or the "unit distribution" method for establishing the public housing maximum rents for each unit size. ~~Appendix H, of Guidebook 7465.G, Restrictions on Assistance to Noncitizens provides detailed guidance on how to establish public housing maximum rents using the methodologies identified above~~.

Review of Public Housing Maximum Rents

Housing Authority Policy
The Housing Authority will recalculate the public housing maximum rents on an annual basis.

Posting of Public Housing Maximum Rents

Housing Authority Policy
The Housing Authority will publicly post the schedule of public housing maximum rents in a conspicuous manner in the applicable Housing Authority or project office.

Documentation of Public Housing Maximum Rents

Housing Authority Policy

The Housing Authority will maintain records that document how the Housing Authority determined the 95th percentile of TTP, whether the maximum rent was determined Housing Authority-wide, project-wide, or with groupings of projects, and the methodology used to determine maximum rents for each unit size.

PART III: FAMILY DEBTS TO THE HOUSING AUHTORITY

16-III.A. OVERVIEW

This part describes the Housing Authority's policies for recovery of monies that have been underpaid by families.

Housing Authority Policy

When an action or inaction of a resident family results in the underpayment of rent or other amounts, the Housing Authority holds the family liable to return any underpayments to the Housing Authority.

The Housing Authority will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments. The term r*epayment agreement* refers to a formal document signed by a tenant and provided to the Housing Authority in which a tenant acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

When a family refuses to repay monies owed to the Housing Authority, the Housing Authority will utilize other available collection alternatives including, but not limited to, the following:

- Collection agencies
- Small claims court
- Civil law suit
- State income tax set-off program

16-III.B. REPAYMENT POLICY

Family Debts to the Housing Authority

Housing Authority Policy

Any amount due to the Housing Authority by a public housing family must be repaid. If the family is unable to repay the debt within 30 days, the Housing Authority will offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, the Housing Authority will terminate the family's tenancy in accordance with the policies in Chapter 13. The Housing Authority will also pursue other modes of collection.

Repayment Agreement Guidelines

Down Payment Requirement

Housing Authority Policy

Prior to the execution of a repayment agreement, the family must pay a minimum of twenty-five percent (25%) of the balance owed to the Housing Authority.

Payment Thresholds

Housing Authority Policy
All amounts must be repaid within 12 months. Exceptions can be made for mitigating circumstances with the approval of the ~~Housing Services Manager~~Public Housing Asset Manager. The ~~Vice President of Property and Facilities Management~~Deputy Executive Director may extend the 12 months as needed. .

Execution of the Agreement

Housing Authority Policy
The head of household and spouse/co-head (if applicable) must sign the repayment agreement.

Due Dates

Housing Authority Policy
All payments are due by the close of business on the 7th calendar day of the month.

Non-Payment

Housing Authority Policy
If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by the Housing Authority, the Housing Authority will send the family a delinquency notice giving the family 3 business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and the Housing Authority will terminate tenancy in accordance with the policies in Chapter 13.

If a family receives four~~three~~ (4) delinquency notices for unexcused late payments in a 12 month period, the repayment agreement will be considered in default, and the Housing Authority will terminate tenancy in accordance with the policies in Chapter 13.

No Offer of Repayment Agreement

Housing Authority Policy
The Housing Authority will not enter into a repayment agreement if there is already a repayment agreement in place with the family, or the amounts owed by the family exceed the Federal or State threshold for criminal prosecution.

PART IV: PUBLIC HOUSING ASSESSMENT SYSTEM (~~PHA~~PHASS~~S~~)

16-IV.A. OVERVIEW

The purpose of the Public Housing Assessment System (~~PHA~~PHASS~~S~~) is to improve the delivery of services in public housing and enhance trust in the public housing system among Housing Authorities, public housing residents, HUD and the general public by providing a management tool for effectively and fairly measuring the performance of a public housing agency in essential housing operations.

16-IV.B. ~~PHA~~PHAS ~~S~~ INDICATORS [24 CFR 902 Subparts A, B, C, D, and E]

The table below lists each of the ~~PHA~~PHA~~S~~S -indicators, the points possible under each indicator, and a brief description of each indicator. A Housing Authority's performance is based on a combination of all four indicators.

Indicator 1: Physical condition of the Housing Authority's properties **Maximum Score: 30** • The objective of this indicator is to determine the level to which a Housing Authority is maintaining its public housing in accordance with the standard of decent, safe, sanitary, and in good repair. • To determine the physical condition of a Housing Authority's properties, inspections are performed of the following five major areas of public housing: site, building exterior, building systems, dwelling units, and common areas. The inspections are performed by an independent inspector arranged by HUD, and include a statistically valid sample of the units in the Housing Authority's public housing portfolio.
Indicator 2: Financial condition of a Housing Authority **Maximum Score: 30** • The objective of this indicator is to measure the financial condition of a Housing Authority for the purpose of evaluating whether it has sufficient financial resources and is capable of managing those financial resources effectively to support the provision of housing that is decent, safe, sanitary, and in good repair. • A Housing Authority's financial condition is determined by measuring the Housing Authority's entity-wide performance in each of the following components: current ratio, number of months expendable fund balance, tenant receivable outstanding, occupancy loss, expense management/utility consumption, and net income or loss divided by the expendable fund balance.

Indicator 3: Management operations of a Housing Authority **Maximum Score: 30** • The objective of this indicator is to measure certain key management operations and responsibilities of a Housing Authority for the purpose of assessing the Housing Authority's management operations capabilities. • A Housing Authority's management operations are assessed based on the following sub-indicators: vacant unit turnaround time, capital fund, work orders, Housing Authority annual inspection of units and systems, security, and economic self-sufficiency.
Indicator 4: Resident service and satisfaction **Maximum Score: 10** • The objective of this indicator is to measure the level of resident satisfaction with living conditions at the Housing Authority. • The Housing Authority's score for this indicator is based on the results of resident surveys and the level of implementation and follow-up or corrective actions the Housing Authority takes based on the results of the survey.

16-IV.C. ~~PHA~~PHAS ~~S~~ SCORING [24 CFR 902.63 and 902.67]

HUD's Real Estate Assessment Center (REAC) issues overall ~~PHA~~PHAS ~~S~~ scores, which are based on the scores of the four ~~PHA~~PHAS ~~S~~ indicators, and the components under each indicator. ~~PHA~~PHAS ~~S~~ scores translate into a designation for each Housing Authority as high performing, standard, or troubled.

A high performer is a Housing Authority that achieves a score of at least 60 percent of the points available under each of the four indicators, and achieves an overall ~~PHA~~PHAS~~S~~ score of 90 or greater.

A standard performer is a Housing Authority that has an overall ~~PHA~~PHAS~~S~~ score between 60 and 89, and does not achieve less than 60 percent of the total points available under one of the following Indicators: 1, 2, or 3.

A troubled performer is a Housing Authority that achieves an overall ~~PHA~~PHAS ~~S~~ score of less than 60, or achieves less than 60 percent of the total points available under more than one of the following indicators: 1, 2, or 3.

These designations can affect a Housing Authority in several ways:

- High-performing Housing Authorities are eligible for incentives including relief from specific HUD requirements and bonus points in funding competitions [24 CFR 902.71].

- Housing Authorities that are standard performers may be required to submit an improvement plan to eliminate deficiencies in the Housing Authority's performance [24 CFR 902.73(a)].

- Housing Authorities with an overall rating of “troubled” are subject to additional HUD oversight, and are required to enter into a memorandum of agreement (MOA) with HUD to improve Housing Authority performance [24 CFR 902.75].
-
- Housing Authorities that fail to execute or meet MOA requirements may be referred to the Departmental Enforcement Center [24 CFR 902.77].

Housing Authorities must post a notice of its final ~~PHA~~PHAS~~S~~ score and status in appropriate conspicuous and accessible locations in its offices within two weeks of receipt of its final score and status.

PART V: RECORD KEEPING

16-V.A. OVERVIEW

The Housing Authority must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request.

In addition, the Housing Authority must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights.

16-V.B. RECORD RETENTION

Housing Authority Policy

During the term of each public housing tenancy, and for at least four(4) years thereafter, the Housing Authority will keep all documents related to a family's eligibility, tenancy, and termination.

In addition, the Housing Authority will keep the following records for at least four(4) years:

An application from each ineligible family and notice that the applicant is not eligible

Lead-based paint records as required by 24 CFR 35, Subpart B

Documentation supporting the establishment of flat rents and the public housing maximum rent

Documentation supporting the establishment of utility allowances and surcharges

Documentation supporting ~~PHA~~PHAS~~S~~ scores

Accounts and other records supporting Housing Authority budget and financial statements for the program

Other records as determined by the Housing Authority or as required by HUD

If a hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 14-II.A.

16-V.C. RECORDS MANAGEMENT

Housing Authorities must maintain applicant and participant files and information in accordance with the regulatory requirements described below.

Housing Authority Policy
All applicant and participant information will be kept in a secure location and access will be limited to authorized Housing Authority staff.

Housing Authority staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

Privacy Act Requirements [24 CFR 5.212 and Form-9886]
The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or the Housing Authority may release the information collected.

Upfront Income Verification (UIV) Records
Housing Authorities that access UIV data through HUD's Enterprise Income Verification (EIV) System are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with Federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification (UIV) Data*.

Housing Authority Policy

Prior to utilizing HUD's EIV system, the Housing Authority will adopt and implement EIV security procedures required by HUD.

Criminal Records
The Housing Authority may only disclose the criminal conviction records which the Housing Authority receives from a law enforcement agency to officers or employees of the Housing Authority, or to authorized representatives of the Housing Authority who have a job-related need to have access to the information [24 CFR 5.903(e)].

The Housing Authority must establish and implement a system of records management that ensures that any criminal record received by the Housing Authority from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the Housing Authority action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

The Housing Authority must establish and implement a system of records management that ensures that any sex offender registration information received by the Housing Authority from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the Housing Authority action without institution of a challenge or final disposition of any such litigation. This requirement does not apply to information that is public information, or is obtained by a Housing Authority other than under 24 CFR 5.905.

Medical/Disability Records

Housing Authorities are not permitted to inquire about the nature or extent of a person's disability. The Housing Authority may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the Housing Authority receives a verification document that provides such information, the Housing Authority should not place this information in the tenant file. The Housing Authority may~~should~~ destroy the document.

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PART VI: REPORTING REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL

16-VI.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e)]

The Housing Authority has certain responsibilities relative to children with environmental intervention blood lead levels that are living in public housing.

The Housing Authority must report the name and address of a child identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional. The Housing Authority must also report each known case of a child with an environmental intervention blood lead level to the HUD field office.

Housing Authority Policy

The Housing Authority will provide the public health department written notice of the name and address of any child identified as having an environmental intervention blood lead level.

The Housing Authority will provide written notice of each known case of a child with an environmental intervention blood level to the HUD field office within 5 business days of receiving the information.

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PART VII: NOTIFICATION TO APPLICANTS AND TENANTS REGARDING PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005 (VAWA)

16-VII.A. OVERVIEW

The Violence against Women Reauthorization Act of 2005 (VAWA) requires Housing Authorities to inform public housing tenants of their rights under this law, including their right to confidentiality and the limits thereof. Since VAWA provides protections for applicants as well as tenants, Housing Authorities may elect to provide the same information to applicants.
This part describes the steps that the Housing Authority will take to ensure that all actual and potential beneficiaries of its public housing program are notified about their rights under VAWA.

16-VII.B. VAWA NOTIFICATION

Housing Authority Policy

The Housing Authority will post the following information regarding VAWA in its offices and on its Web site. It will also make the information readily available to anyone who requests it.

- A summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, or stalking (see sample notice in Exhibit 16-1)
- The definitions of *domestic violence*, *dating violence*, and *stalking* provided in VAWA (included in Exhibit 16-1)
- An explanation of the documentation that the PHA may require from an individual who claims the protections provided by VAWA (included in Exhibit 16-1)
- A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking
- A statement of the Housing Authority's obligation to keep confidential any information that it receives from a victim unless (a) the Housing Authority has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibit 16-1)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 16-1)
Contact information for local victim advocacy groups or service providers

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Page 16-26

16-VII.AC. NOTIFICATION TO APPLICANTS

Housing Authority Policy

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The Housing Authority will provide all applicants with notification of their protections and rights under VAWA at the time they request an application for housing assistance.
The notice will explain the protections afforded under the law, inform each applicant of Housing Authority confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

The Housing Authority will also include in all notices of denial a statement explaining the protection against denial provided by VAWA (see section 3-III.F).

16-VII.BD. NOTIFICATION TO TENANTS [Pub.L. 109-162]

VAWA requires Housing Authorities to notify tenants assisted under public housing of their rights under this law, including their right to confidentiality and the limits thereof.

Housing Authority Policy.

The Housing Authority will provide all tenants with notification of their protections and rights under VAWA at the time of admission and at annual reexamination. The notice will explain the protections afforded under the law, inform the tenant of Housing Authority confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.
The Housing Authority will also include in all lease termination notices a statement explaining the protection against termination or eviction provided by VAWA (see Section 13-IV.D).

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EXHIBIT 16-1: SAMPLE NOTICE TO PUBLIC HOUSING APPLICANTS AND RESIDENTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

This sample notice was adapted from a notice prepared by the National Housing Law Project.

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, and stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your rights under VAWA.

Protections for Victims

If you are eligible for public housing, the housing authority cannot refuse to admit you to the public housing program solely because you are a victim of domestic violence, dating violence, or stalking.

If you are the victim of domestic violence, dating violence, or stalking, the housing authority cannot evict you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you if you were the victim of the abuse.

Reasons You Can Be Evicted

The housing authority can still evict you if the housing authority can show there is an *actual* and *imminent* (immediate) threat to other tenants or housing authority staff if you are not evicted. Also, the housing authority can evict you for serious or repeated lease violations that are not related to the domestic violence, dating violence, or stalking against you. The housing authority cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

The housing authority may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the public housing unit. If the housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, the housing authority must follow federal, state, and local eviction procedures.

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Proving that You Are a Victim of Domestic Violence, Dating Violence, or Stalking

The housing authority can ask you to prove or "certify" that you are a victim of domestic violence, dating violence, or stalking. In cases of termination or eviction, the housing authority must give you at least 14 business days (i.e. Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority is free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence.
- Provide a statement from a victim service provider, attorney, or medical professional who

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has helped you address incidents of domestic violence, dating violence, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing "under penalty of perjury."

- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the housing authority may evict you.

Confidentiality

The housing authority must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority to release the information.
- The housing authority needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority to release the information.

If release of the information would put your safety at risk, you should inform the housing authority.

VAWA and Other Laws

VAWA does not limit the housing authority's duty to honor court orders about access to or control of a public housing unit. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.
VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, or stalking.

For Additional Information

If you have any questions regarding VAWA, please contact _____ at _____.
For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).
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Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines ***domestic violence*** to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies

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- 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

VAWA defines ***dating violence*** as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines ***stalking*** as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) 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.

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~~PART VI: REPORTING REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL~~

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~~The Housing Authority has certain responsibilities relative to children with environmental intervention blood lead levels that are living in public housing.~~
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~~Housing Authority Policy~~
~~The Housing Authority will provide the public health department written notice of the name and address of any child identified as having an environmental intervention blood lead level.~~

~~The Housing Authority will provide written notice of each known case of a child with an environmental intervention blood level to the HUD field office within 5 business days of receiving the information.~~

Chapter 17

FAMILY SELF-SUFFICIENCY

[24 CFR 984.103,984.304,984.305]

INTRODUCTION

The purpose of the Family Self-Sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of the Housing Choice Voucher and Public Housing programs with public and private resources to enable families to achieve economic independence and self-sufficiency.

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A. HISTORICAL PROGRAM REQUIREMENTS [24 CFR 984.105]

Beginning in Fiscal Year (FY) 1993, all Housing Authorities receiving new increments of Section 8 certificates and vouchers or funds for new public housing rental units had to implement an FSS program unless granted an exception by HUD. For the Public Housing and Housing Choice Voucher programs, the minimum FSS program size that must be established and operated is cumulative and is based on the number of new units funded in FY 1993 and subsequent years plus the number of any FY 1991 and 1992 FSS Incentive Award Units.

B. ACTION PLAN [24CFR 984.201]

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The HA has a HUD-approved Action Plan that complies with the requirements of this plan. The Action Plan describes the policies and procedures of the PHA for operation of a local FSS program. The Action Plan was developed by the PHA in consultation with the ~~CEO~~ Executive Director and the Program Coordinating Committee for the FSS program. Following HUD's initial approval of the Action Plan, no further approval of the Action Plan is required unless the PHA proposes to make policy changes or increase the size of the mandatory FSS programs.

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PROGRAM COORDINATING COMMITTEE [24 CFR 984.202]

The HA must establish a Program Coordinating Committee (PCC) whose functions are to assist the HA in securing commitments of public and private resources for the operation of the FSS program within the HA's jurisdiction, including assisting with the Action Plan. Memberships for the PCC are defined in the Action Plan.

C. FAMILY SELECTION PROCEDURES [24 CFR 984.203]

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Any family receiving housing assistance through the Public Housing or the Housing Choice Voucher Program may volunteer for FSS without consideration of race, color, religion, sex, disability, familial status or national origin. A family may participate in the FSS program only once.

E. SUPPORTIVE SERVICES [24 CFR 984.204]

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The HA may, subject to the approval of HUD, make available common areas in public housing to provide supportive services under the FSS program

F. CONTRACT OF PARTICIPATION [24 CFR 984.303]

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Families selected to participate in the FSS program must enter into a contract of participation with the HA. The contract must be signed by the head of the family. The contract includes the terms and conditions of the FSS program, including the responsibilities of the family and the HA. The contract term is five years; but the family may request an extension for up to two years. This request must be in writing and should include a description of the need for the extension. The extension may be granted by the HA provided there is good cause.

The contract is accompanied by the Individual Training and Services Plan (ITSP), which outlines specific interim and final goals and deadlines established by the family and approved by the HA which measures the family's progress toward fulfilling its obligations under the contract of participation. The HA must establish a specific goal for families receiving welfare assistance to become free of such assistance and remain free at least one year before the expiration of the term of the contract. The head of the family is required to seek and maintain suitable employment during the term of the contract. The family and the HA may mutually agree to modify the contract with respect to the individual training and services plan, the contract term, and designation of the head of the family.

The contract is considered complete and the family is considered a successful graduate from the program if the family has fulfilled all obligations on or before the expiration of the contract term, or 30 percent of the monthly adjusted income of the FSS family equals or exceeds the existing housing fair market rent for the size of the unit for which the family qualifies.

The contract will be automatically terminated if the family's Housing Choice Voucher or public housing assistance is terminated. The contract may be terminated if the family and HA consent to do so, the family fails to meet their obligations under the contract, the family withdraws from the FSS program, such other act as is deemed inconsistent with the purpose of the FSS program, or operation of the law.

G. ESCROW ACCOUNT

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The HA will deposit FSS account funds for participating families, in a single account, according to increases in earned income resulting in an increase in the family's share of rent. The HA must make a report, at least annually, to the family on the status of the account. The HA will perform an escrow calculation on the HUD Escrow Calculation worksheet at each annual reexamination or interim examination to determine if the family is entitled to an escrow deposit.

The HA will not make any additional payments to the FSS escrow account when the family has completed the contract or when the contract is terminated.

H. ESCROW DISBURSEMENT

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When the family successfully completes their contract, the head of the family shall be paid the amount in the FSS account. The family must submit a certification to the HA that no member of the FSS family is a recipient of welfare assistance. The HA will conduct a 3rd party verification to confirm that the family is free of welfare assistance.

If the HA determines that the family has fulfilled certain interim goals and needs some additional funds for purposes of completion of higher education, job training, improve credit, or to meet start up expenses involved in creation of a small business, the HA may permit the family to use

some of the funds from the escrow account. The family must provide receipts to the HA to confirm payment.

The escrow account will be forfeited if the contract is terminated or the contract is completed but the family is receiving welfare assistance at the time the contract expires.

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I. REQUIREMENT TO ATTEND

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All ITSP members will be required to attend the scheduled annual and interim appointments. If the ITSP member is unable to attend the appointment, they may request to reschedule the appointment.

If the ITSP member does not appear for the scheduled appointment, and has not rescheduled or made prior arrangements with the Housing Authority, the Housing Authority will reschedule a second appointment.

If the ITSP member fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the Housing Authority will send the ITSP member a notice of termination from participating in the FSS program. The head of the family may continue participating in the FSS program unless they are the ITSP member who failed to appear from the above mentioned appointments.

Exceptions to these policies may be made by the Director of Rental Assistance or his/her designee, if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

J. APPEAL PROCESS

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If an applicant is denied admission into the FSS Program, if an FSS family is terminated based on his/her failure to meet the contract obligations, or if the family is denied a contract extension, he/she can appeal the decision in writing within ten (10) business days to request an appeal hearing. An appeal hearing will be scheduled within ten (10) business days after the receipt of the written request.

An employee of the Housing Authority directly or indirectly ~~not~~ involved in the administration of the FSS Program or other public official will conduct the hearing. The person conducting the hearing will not be directly involved in the day to day operation of the Housing Authority's FSS Program. The FSS Coordinator will be available for questions during the appeal hearing. At the hearing, the family will have the opportunity to question the basis for the FSS Coordinator's

determination. The family will be notified in writing of the decision of the appeal within ten (10) business days of the appeal hearing.

K. REINSTATEMENT POLICY

Persons who wish to leave the FSS Program may do so at any time. Reinstatement of that person will not be permitted unless an unexpected hardship has occurred. Exceptions will be reviewed by the ~~Rental Assistance Manager~~ Director of Rental Assistance or a Supervisor.

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Persons who are terminated for non-compliance will not be permitted to come back onto the FSS program.

Chapter 18 ~~17~~
HOMEOWNERSHIP PROGRAM [24 CFR 906]

18~~7~~.0 INTRODUCTION [24 CFR Part 906]

The Quality Housing and Work Responsibility Act (QHWRA) permits the Housing Authority through Section 32 of the U.S. Housing Act of 1937, to make public housing dwelling units available for purchase by low-income families as their principal residence. Under Section 32, a Housing Authority may (1) sell all or a portion of a public housing development to eligible public or non-public housing residents, or (2) provide Capital Fund assistance to public housing families to purchase homes, and (3) provide Capital Fund assistance to acquire homes that will be sold to low-income families. Section 32 generates an exception, allowing the Public Housing Capital Fund to be used to acquire units for sale that will not be put under public housing ACC contracts. This does not apply to the use of the Capital Fund by the Housing Authority to build or substantially rehabilitate units that are not public housing for sale under Section 32. Although public housing units that are newly constructed or substantially rehabilitated may be sold under Section 32, such construction and rehabilitation by the Housing Authority is not covered under this section, but rather is governed by the public housing development and modernization regulations. The final Section 32 rule replaces the Section 5(h) rule.

~~17.1~~18.1 PROGRAM SUMMARY [24 CFR 906.5]

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A. Eligible Program Activities. The Housing Authority will implement a Section 32 program and will use their funds to provide the following services:

1. **Subsidy to public housing residents** (using Capital Funds or program income) or other low income families (using only program income) in the forms of (a) down payment or closing cost assistance, (b) subordinate mortgages, and/or (c) below-market financing;

2. **Acquisition of existing homes** (or homes built for the Housing Authority by a third party 24 CFR 906.41(2)) using Capital Funds for the purpose of sale to income-eligible purchasers without adding these units to the Annual Contributions Contract (ACC);

3. **Sale of public housing rental (ACC) units** to income-eligible purchasers; and

4. **Operation of a lease-purchase program**.

B. Key Program Features

1. **Housing Authority must use Davis-Bacon wages for all construction activity.** Except in specific cases of non-routine maintenance, Davis-Bacon prevailing wage rates apply to all construction activities under the program.

2. **Section 32 can be implemented in conjunction with the Section 8(y) program**. The Section 8(y) program is described separately in the Housing Authority Section 8 Administration Plan. See the Housing Choice Voucher (Section 8) homeownership program in the Housing Authority Administrative Plan for details regarding implementation of a voucher homeownership program. 8(y) can only be used in connection with units that are not currently under ACC or that are released from the ACC as a result of the sale of the unit. Lease to purchase programs would not be eligible for 8(y) during the lease pha~~Housing Authority se~~.

3. **Non-purchasing public housing residents may be displaced**. In selling a public housing unit under a homeownership program, the Housing Authority or Purchase and Resale Entity (PRE) must initially offer the unit to the resident occupying the unit if they meet the eligibility requirements. The current residents of the public housing units have the option of applying to the program in order to purchase their unit, relocating to another comparable unit, or receiving tenant-based assistance. The Housing Authority must provide the resident with notice 90 days prior to the date of the sale of their unit, counseling, relocation expenses, and comparable replacement housing options. The right of first refusal does not extend to residents in nonpublic housing units.

4. **Marketing Strategy**—The homeownership plan permits the purchase of vacant units by persons not currently in public housing, receiving Section 8, or on the existing Housing Authority waiting list, the "S32HOP" must include an affirmative fair housing marketing strategy that reaches out to members of underrepresented groups. **24 CFR 906.39(d) (See Chapter 2.1 Marketing & Outreach)**

~~17.1~~18.2 ELIGIBILITY REQUIREMENTS OVERVIEW [24 CFR 906.11 & 906.13]

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A. Eligibility Requirements

1. **Eligible purchasers may earn up to, but not exceed 80% of Area Median Family Income (AMI).** Except in the case of a Housing Authority's offer of first refusal to a resident occupying the unit, the Housing Authority must certify that the applicants' income is not over 80% of AMI at the time the contract to purchase the property is executed.

2. **The Housing Authority may sell units to a PRE**. The Housing Authority must demonstrate that the PRE has the necessary legal capacity and practical capability to carry out its responsibilities under the program and sell the units within five years from the date of acquisition; otherwise the PRE must transfer ownership of the units back to the Housing Authority. The Housing Authority's homeownership program also will contain a written agreement and the applicable legal documentation that specifies the respective rights and obligations of the Housing Authority and the PRE.

3. **Affordability standards must be met for the purchaser.** On an average monthly basis, the estimate of the sum of the applicant's payments for mortgage principal and interest, insurance, real estate taxes, utilities, maintenance and other recurring homeownership costs will not exceed the sum of 35% of the applicant's adjusted income and any subsidy that will be available for such payments.

4. **Principal residence requirement**. The dwelling unit sold to an eligible family must be used as the principal residence of the family.

5. **Housing Authority will require purchasers to pay a minimum down payment**. Each household purchasing housing must use its own resources to contribute an amount of the down payment that is not less than one percent of the purchase price of the housing.

6. **Other eligibility restrictions.** The Housing Authority will establish additional limitations for households to purchase housing. Such requirements are to include employment, no past criminal activity, participation in homeownership counseling programs, or other requirements.

~~a.~~B. Recapture and Anti-Speculation Restrictions

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~~2.~~1. **Anti-speculation.** The Housing Authority policy provides for retaining all or a portion of the gain from appreciation generated by the resale of the property to the extent that there are net proceeds if the house is sold within five years after purchase. The Housing Authority may not recapture gains from appreciation if the home is resold over five years from the initial purchase. Gains from appreciation is defined as financial gain solely attributable to the home's appreciation over time and not attributable to below-market financing or government-provided assistance (recapture of that subsidy is discussed in recapture below). The anti-speculation provision must be recorded as a deed restriction or a restrictive covenant. The recapture amount can be one that the Housing Authority considers appropriate under the guidelines in this section.

~~3.~~2. **Recapture of subsidy**. The Housing Authority policy is to recapture upon resale government-provided assistance and/or below-market financing made to the purchaser to the extent that there are net proceeds. This includes the Housing Authority down payment, closing cost assistance, subordinate mortgage financing, or below-market financing (i.e., sale the unit for less than appraised value of the home). The Housing Authority may recapture a portion or its entire subsidy provided to the purchaser even for a period of longer than five years.

~~4.~~3. **Resale.** Section 32 regulations do not require the Housing Authority to implement a resale provision limiting resale to low-income buyers.

18~~7~~.3 GENERAL PROVISIONS

All Housing Authority public housing residents are eligible applicants in the Section 32 Homeownership Option Program ("S32HOP"). Housing Authority public housing units occupied by residents will first offer the unit to the resident occupying the unit. If the public housing resident is not interested in purchasing the unit or are not eligible, are entitled to a 90-day notice, counseling, relocation expenses, and comparable housing. Participants in the Family Self Sufficiency ("FSS") program shall receive a priority for participation in the Section 32 Homeownership Option Program ("S32HOP").

Eligible applicants for the "S32HOP" must:

1. Complete an initial Public Housing lease term (See Appendix II) of at least one year,
2. Not owe the Housing Authority or any other Housing Authority an outstanding debt
3. Meet the eligibility criteria set forth herein.

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A. ***Family Eligibility Requirements***

Participation in the Section 32 Homeownership Option program "S32HOP" is voluntary. Each "S32HOP" participant must meet the general requirements for admission to the Public Housing Program as set forth in this Housing Authority Admissions & Continued Occupancy Plan (ACOP). Such public housing family also must be "eligible" to participate in the home ownership program "S32HOP". The additional eligibility requirements for participation in "S32HOP" include that the family must:

1. Be Income-eligible even though they have owned a home
2. Meet a minimum income requirement without counting income from "welfare assistance" sources with the exception of elderly and disabled households
3. Meet the requisite employment criteria requirements with the exception of elderly and disabled households
4. Have completed an initial lease term of one year in the Housing Authority public housing
5. Have fully repaid any outstanding debt owed to the Housing Authority or any other Housing Authority
6. Have not defaulted on a mortgage securing debt to purchase a home under the home ownership option "S32HOP"
7. Preference for Family Self Sufficiency ("FSS") participants
8. Not have any member who has a present ownership interest in a residence at the commencement of home ownership assistance except for cooperative members who have acquired cooperative membership shares prior to commencement of "S32HOP" assistance

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B. Minimum Income Requirement [24 CFR 906.15 (a)]

Public or non-public housing residents earning up to 80% AMI are eligible to purchase a home. There is an exception to this low-income restriction for current public housing residents offered the right of first refusal. The applicants monthly payments for mortgage, Property taxes and insurance (PITI), maintenance, and other regularly recurring homeownership costs (e.g., condominium fees) may not exceed 35% of the applicants adjusted income as defined in 24 CFR 913 plus any other subsidy used for monthly payments.

C. Employment Requirements

With the exception of disabled and elderly households, each family must demonstrate the following:

- That one or more adult members of the family who will own the home at commencement of home ownership assistance is employed full-time (not less than an average of 30 hours per week)

- Has been continuously employed for one year prior to commencement of homeownership assistance for the family

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The Housing Authority Chief Executive Officer may also consider whether and to what extent an employment interruption is considered permissible in satisfying the employment requirement. The Chief Executive Officer may also consider successive employment during the one-year period and self-employment in a business.

D. Completion of Initial Lease Term.

Applicants and new participants in the Housing Authority public housing program shall not be eligible for participation in the "S32HOP" until completion of an initial Housing Authority public housing program's one year lease term and the participant's first annual re-certification in the Housing Authority public housing program. Nothing in this provision will preclude families that have completed an initial lease term in another jurisdiction from participating in the "S32HOP".

E. Repayment of Any Housing Authority Debts

Participants in the Housing Authority public housing program shall be ineligible for participation in the "S32HOP" in the event any debt or portion of a debt remains owed to Housing Authority or any other Housing Authority. Nothing in this provision will preclude families that have fully repaid such debt(s) from participating in the "S32HOP".

F. Prior Mortgage Defaults

The family will be ineligible to participate in the "S32HOP" if an adult member of the family previously defaulted on a mortgage obtained through the "S32HOP".

G. Preference for Participation in the FSS Program

Applicants for the home ownership program are not required to participate in the Housing Authority Family Self Sufficiency ("FSS") program in order to participate in the "S32HOP". However, "FSS" participants shall have a preference for participation in the "S32HOP"..

18~~7~~.4 FAMILY PARTICIPATION REQUIREMENTS

A. Once a family is determined to be eligible to participate in the ~~program,~~program; it must comply with the following additional requirements:

1. Complete a homeownership counseling program approved by the Housing Authority prior to commencement of homeownership assistance;
2. Locate the home it proposes to purchase within a specified time;
3. Submit a sales agreement containing specific components to the Housing Authority for approval;
4. Allow the Housing Authority to inspect the proposed unit to assure that the unit meets appropriate housing quality standards;
5. Obtain an independent inspection covering major" building systems";
6. Obtain Housing Authority approval of the proposed mortgage (which must comply with generally accepted mortgage underwriting requirements); and
7. Enter into a written agreement with the Housing Authority to comply with all of its obligations under the Public Housing Program.

B. Homeownership Counseling Program [24 CFR 906.9]

A family's participation in the homeownership program is conditional based on the family attending and successfully completing a homeownership and housing counseling program provided or approved by Housing Authority prior to commencement of homeownership assistance. The home ownership and counseling program will cover the following topics:

- Home maintenance
- Budgeting and money management
- Credit counseling
- Negotiating purchase price
- Securing mortgage financing
- Locating a home
- The advantages of purchasing and locating homes in areas that do not have a high concentration of low-income families

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The Housing Authority omitted suggested topics regarding fair housing, RESPA obligations and predatory lending issues. These topics should also be included in the home ownership counseling program. The counseling agency providing the counseling program shall either be approved by HUD or the program shall be consistent with the home ownership counseling provided under HUD's Housing Counseling program. The Housing Authority may require families to participate in a Housing Authority approved home ownership-counseling program on a continuing basis.

C. Locating and Purchasing a Home

Upon approval for the Section 32 Homeownership Option Program, a family shall have 180 days to locate a home to purchase. A home shall be considered located if the family submits a proposed sales agreement with the requisite components to the Housing Authority. During an eligible participant's search for a home to purchase, their Public Housing shall continue pursuant to this Admission and Continued Occupancy Plan. If a Public Housing participant family is unable to locate a home within the time approved by the Housing Authority, their Public Housing shall continue pursuant to this Admission and Continued Occupancy Plan.

D. Type of Home

"S32HOP" may be used to purchase the following types of homes within the County of San Joaquin:

- New or existing single-family home
- Condominium
- Planned use development
- Cooperatives
- Lofts
- Live/work units
- A manufactured home to be situated on a privately owned lot or on a leased pad in a mobile home park.

The home must already exist, or be under construction at the time the Housing Authority determines the family eligible for homeownership assistance (to purchase the unit [24 CFR 906.8]).

E. Purchasing a Home

Once a home is located and a sales agreement approved by the Housing Authority is signed by the family, the family shall have up to 3 months, or such other time as is approved by the Housing Authority's Chief Executive Officer or set forth in the Housing Authority-approved sales agreement, to purchase the home.

F. Failure to Complete Purchase

If a Public Housing participant is unable to purchase the home within the three month period permitted by the Housing Authority, the Housing Authority shall continue the family's participation in the Public Housing Program. The family may not re-apply for the Section 32 Homeownership Option Program until it has completed an additional year of participation in the Public Housing Program following the initial determination of its eligibility for the homeownership option.

G. Sales Agreement

Prior to execution of the offer to purchase or sales agreement, the family must provide the financing terms to the Housing Authority for approval. The sales agreement must:

- Specify the price and other terms of sale by the seller to the purchaser

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- Provide for a Housing Quality Standards (HQS) inspection by the Housing Authority
- Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser
- State that the purchaser is not obligated to purchase unless such inspections are satisfactory to the Housing Authority
- Provide that the purchaser is not obligated to pay for any necessary repairs without approval by the Housing Authority
- Provide that the purchaser is not obligated to purchase if the mortgage financing terms are not approved by the Housing Authority
- Contain a seller certification that the seller is not debarred, suspended, or subject to a limited denial of participation,

To assure the home complies with Housing Quality Standards "HQS" of the "S32HOP", homeownership assistance payments may not commence until the Housing Authority first inspects and passes the home.

H. Independent Initial Inspection Conducted.

The family must select an independent inspector who is qualified to report on property conditions, including major building systems and components. The independent inspection report must be provided to the Housing Authority for approval. The Housing Authority may disapprove the unit due to information contained in the report or for failure to meet federal housing quality standards. The Housing Authority will not pay for the independent inspection. The independent inspection report must cover major building systems and components including foundation and structure:

- Housing interior and exterior
- Roofing
- Plumbing
- Electrical
- Heating systems

I. Financing Requirements

The proposed financing terms must be submitted to and approved by the Housing Authority or their designee prior to close of escrow. The Housing Authority will determine the affordability of the family's proposed financing. In making such determination. The Housing Authority or their designee may take into account other family expenses, including but not limited to child care, un-reimbursed medical expenses, education and training expenses. Certain types of financing, including but not limited to, balloon payment mortgages, unless convertible to a variable rate mortgage, are prohibited and will not be approved by Housing Authority or their

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designee. Seller-financing mortgages shall be considered by Housing Authority or their designee on a case-by-case basis. If a mortgage is not FHA-insured, Housing Authority or their designee will require the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD/ FOA, Ginnie Mae, Fannie Mae, Freddie Mac, California Housing Finance Agency (CHFA), USDA Rural Housing Services, the Federal Home Loan Bank, or other private lending institution.

J. Compliance with Family Obligations

The family must execute a "Statement of Homeowner Obligations" and agree, to comply with all family obligations under the Housing Authority Public Housing program and the "S32HOP" policies. These obligations include:

- Attending ongoing home ownership counseling, if required by the Housing Authority
- Complying with the mortgage terms;
- Not selling or transferring the home to anyone other than a member of the assisted family who resides in the home while receiving homeownership assistance. Upon death of a family member who holds title to the home or ownership of cooperative membership shares for the home, homeownership assistance may continue pending settlement of the decedent's estate, notwithstanding transfer of title by operation of law to the decedent's executor or legal representative, so long as the home is solely occupied by remaining family members.
- Not obtaining a present ownership interest in another residence while receiving home ownership assistance;
- Supplying all required information to the Housing Authority, including but not limited to annual verification of household income, notice of change in homeownership expenses, notice of move-out, refinancing, notice of transfer of any interest in the home and notice of mortgage default.

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17.5 TERMINATION OF SECTION 32 HOMEOWNERSHIP OPTION PROGRAM (S32HOP)

A. Grounds for Termination of S32HOP participation:

Failure to Comply with Family Obligations under Public Housing Program or Housing Authority's Homeownership Policies. A family's homeownership assistance may be terminated if the family:

- Fails to comply with its obligations under the Housing Authority public housing program. The Housing Authority Section 32 home ownership policies including but not limited to failure to provide the family's household income and home ownership expenses on an annual basis;
- Defaults on the mortgage. If required, the family must attend and complete ongoing homeownership and housing counseling classes.

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- Fails to comply with the terms of any mortgage incurred to purchase and/or refinance the home.

- Fails to provide the Housing Authority with written notice of any sale or transfer of any interest in the home or plan to move out of the home. Except as otherwise provided in this section, the family may not convey or transfer the home to any entity or person other than a member of the assisted family while receiving homeownership assistance.

- Fails to provide the Housing Authority any other notices which may be required pursuant to the Housing Authority Section 32 homeownership policies.

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B. Occupancy of Home.

Homeownership assistance will only be provided while the family resides in the home. If the family moves out of the home, the Housing Authority will not continue homeownership assistance commencing with the month after the family moves out. Neither the family nor the lender is obligated to reimburse the Housing Authority for home ownership assistance paid for the month the family moves out.

C. Procedure for Termination of Home Ownership Program.

A participant in the "S32HOP" shall be entitled to the same termination notice and informal hearing procedures as set forth in the Housing Authority Admissions & Continued Occupancy Plan (ACOP).

D. Maximum Term of Homeownership Assistance

Except in the case of elderly or disabled families, the maximum term of homeownership assistance is:

a) 15 years, if the initial mortgage term is 20 years or longer, or
b) 10 years in all other cases.

Families that qualify as elderly at the commencement of homeownership assistance are not subject to a maximum term limitation. If a disabled or elderly family ceases to qualify as disabled or elderly, the appropriate maximum term becomes applicable from the date homeownership assistance commenced; provided, however, that such family shall be eligible for at least 6 additional months of homeownership assistance after the maximum term becomes applicable. The time limit applies to any member of the household who has an ownership interest in the unit during any time that homeownership payments are made, or is a spouse of any member of the household who has an ownership interest.

17.6 CONTINUED PARTICIPATION IN PUBLIC HOUSING PROGRAM

A. Default on FHA-Insured Mortgage

If the family defaults on an FHA-insured mortgage, the Housing Authority may permit the family to move to Public Housing, pursuant to this Admissions & Continued Occupancy Plan (ACOP) guidelines, if the family demonstrates that it has (a) conveyed title to the home to HUD or its designee, as required by HUD; and (b) moved from the home within the period established or approved by HUD.

B. Default on Non-FHA-Insured Mortgage

Families have the option to sell the home and may return to Public Housing assistance, pursuant to this Admission and Continued Occupancy Plan, if at any time the family determines that it is unable to meet its responsibilities as a homeowner. If the family defaults on a mortgage that is not FHA-insured, the Housing Authority may permit the family to move to Public Housing, pursuant to this Admission and Continued Occupancy Plan, if the family demonstrates that it has (a) conveyed title to the home to the lender, to Housing Authority or to its designee, as may be permitted or required by the lender; and (b) moved from the home within the period established or approved by the lender and/or the Housing Authority.

17.7 WAIVER OR MODIFICATION OF HOMEOWNERSHIP POLICIES

The Housing Authority Chief Executive Officer shall have the discretion to waive or modify any provision of the Section 32 Homeownership Option Program or policies not governed by statute or regulation for good cause or to comply with changes in HUD regulations or directives.

17.8 Statement to Affirmatively Further Fair Housing in the Public Housing Family Self Sufficiency Program

To ensure access to a fair and effective administrative process, all complaints of discrimination will be referred to *San Joaquin Fair Housing*. Signage informing community members of their rights and responsibilities under fair housing laws will be posted at all Public Housing sites, and the Administrative Building. The Housing Authority of the County of San Joaquin (HACSJ) will work towards educating all residents and program participants about their right to fair housing.

The following steps will be taken to affirmatively further fair housing in the Public Housing Family Self Sufficiency (FSS) program:

1. The HACSJ will advertise for the FSS Coordinator positions in all local newspapers, the internet, and local employment development agencies. The Human Resources Department will keep records of position advertisements.

2. The HACSJ will market the FSS program to all Public Housing residents and HCVP participants through mass mailing, including persons with disabilities and persons with limited English proficiency. The HACSJ conducts a one-on-one orientation to all new Public Housing residents. The orientation includes an introduction to the FSS program and a brochure is distributed to each new resident. A signed "Acknowledgement of Receipt" form will be kept in each tenant file.

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3. All Housing Authority mailings will be made available in an accessible format upon request, as a reasonable accommodation. Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

4. The HACSJ will provide referrals to participants with concerns of housing discrimination to San Joaquin Fair Housing. The HACSJ will also include Fair Housing information slides to the FSS Orientation presentation. An orientation sign-in attendance sheet is kept on file.

5. The HACSJ will include the toll-free Housing Discrimination Hotline number 1(800)669-9777 in a handout to all FSS orientation attendees, and during FSS progress appointments. A signed acknowledgement receipt will be placed in each participants file.

6. The HACSJ conducts periodic meetings with participating owners to improve owner relations and to recruit new owners to expand housing choice to program participants. In addition, The FSS Coordinators conduct quarterly meetings with the Program Coordinating Committee to link the program participants to the necessary services. Attendance sheets are kept on file.

7. A copy of the family's 50058 is kept in each participant's file for record keeping purposes.

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Appendix I
ACOP 2006 – ACRONYMS

ACOP – Admissions & Continued Occupancy Policy

AIDS - Acquired Immuno Deficiency Syndrome

CDBG - Community Development Block Grant

EID - Earned Income Disallowance

EIR - Established Income Range

EITC - Earned income tax credit

EIV - Enterprise Income Verification

FAQs – Frequently Asked Questions

FTS - Full-time Student

IRS - Internal Revenue Service

LEP - Limited English Proficiency Persons

PASS - Plan to Attain Self-Sufficiency

~~PHA~~HOUSING AUTHORITY S - Public Housing Assessment System

PIH – Public and Indian Housing

S32HOP – Section 32 Homeownership Program

SSA - Social Security Administration

SWICAs - State Wage Information Collection Agencies

TANF - Temporary Assistance for Needy Families

TASS - Tenant Assessment Subsystem

TSAP - Tenant Selection and Assignment Plan

TTP - Total Tenant Payment

UFAS - Uniform Federal Accessibility Standards

UIV - Up-front Income Verification

UPCS - Uniform Physical Condition Standards

USCIS - U.S. Citizenship and Immigration Services

VG - Verification Guidance

Appendix II

Resident Dwelling Lease Agreement

THIS AGREEMENT is executed between the Housing Authority of the County of San Joaquin (herein called "HOUSING AUTHORITY"), and _____ (herein called the "Tenant"), and becomes effective as of this date: _____

1. **UNIT:** That the Housing Authority, relying upon the representations of Tenant as to Tenant's income, household composition and housing need, leases to Tenant, (upon Terms and Conditions set forth in Lease agreement) the dwelling unit LOCATED at _____ (and hereinafter called the "premises") to be occupied exclusively as a private residence by Tenant and household. The Tenant Application Number is: . _____[966.4 (a)]

2. **HOUSEHOLD COMPOSITION:** The Tenant's household is composed of the individuals listed below. (Other than the Head or Spouse each household member should be listed by age, oldest to youngest. [966.4 (a)(2)] All members of the household over age 18 shall execute the lease.

Name	Relationship	Age & Birth date	Social Security #
1.	Head	___ / /	_ _ _- _ _- _ _ _ _
2		___ / /	_ _ _- _ _- _ _ _ _
3		___ / /	_ _ _- _ _- _ _ _ _
4		___ / /	_ _ _- _ _- _ _ _ _
5		___ / /	_ _ _- _ _- _ _ _ _
6		___ / /	_ _ _- _ _- _ _ _ _
7		___ / /	_ _ _- _ _- _ _ _ _
8		___ / /	_ _ _- _ _- _ _ _ _

3. **TERMS OF LEASE**: This lease shall be for a period of twelve months.

4. **RENEWAL OF LEASE**: Lease shall be renewed for successive terms of twelve months after finalization of continued eligibility annual re-certification at which the monthly rental rate will be determined. As a further condition, to the renewal of lease, resident must comply with the Community Services Requirements as more fully described herein. There is an exception to the automatic renewal of the lease for noncompliance with community service monthly requirements. Rent is payable in advance on the first day of each calendar month unless terminated by either party as herein provided.

5. **RENTAL PAYMENTS**:

   ☐ **This is the flat rent for the Premises**

   ☐ **This rent is based on the income and other information reported by the Resident**

   a. Initial rent (prorated for partial month) shall be $._____ for the period beginning ___/___/___ and ending at midnight on ___/___/___.

   b. Thereafter, the monthly rental amount is $_____ subject to the utility cost provisions in Paragraph 8, Page 2 and shall be due and payable in advance on or before the first day of each month, beginning on the month following the date of this Lease.

   c. LATE FEE – A late fee of $25.00 (will be charged if rent is not paid by the 7th calendar day of each month. RESIDENT agrees that this Late Fee, which shall be considered "additional rent", does not establish a grace period, is reasonable and is to reimburse MANAGEMENT for the administrative costs and expenses when the rent is not received on or before the first of each calendar month. As

required by law, RESIDENT is hereby notified that a negative credit report reflecting upon the RESIDENT'S credit record may be submitted to a credit reporting agency if RESIDENT fails to pay rent on time at Managements discretion.

d. In the event this Lease is terminated by RESIDENT as set forth any rents paid or due shall be pro-rated daily after the date of expiration of the thirty (30) day notice period. In the event RESIDENT vacates without notice, he/she shall be charged with rent for the thirty (30) days after MANAGEMENT learns of the vacate. Rental credits or charges shall be based upon a uniform thirty (30) day month. This rent will remain in effect unless adjusted in accordance with the provisions of this lease.

e. IT IS EXPRESSLY UNDERSTOOD AND AGREED that in the event the RESIDENT is transferring from another MANAGEMENT –operated dwelling unit, payment of any unpaid balance due under the previous lease shall become a part of the consideration for this Lease.

6. **SECURITY DEPOSIT**:

a. Upon signing of this lease agreement, and in addition to the monthly rental payments required in Paragraph 5, the RESIDENT agrees to pay MANAGEMENT the sum of $_____ as a security deposit. Upon termination of this lease, RESIDENT may request a move-out inspection if that request is made in writing and within 48 hours of the termination. The security deposit money may be applied by MANAGEMENT at the termination of this Lease toward:

(1) The cost of repairing any damage to the premises beyond ordinary wear and tear of the premises; and

(2) The cost of cleaning of the premises; and

(3) Any rent or other charges owed by RESIDENT.

b. The security deposit may not be used to pay rent or other charges while RESIDENT occupies the dwelling unit.

c. MANAGEMENT shall hold the security deposit in trust for RESIDENT during the term of this Lease. RESIDENT agrees that MANAGEMENT may use any interest earned on the security deposit for RESIDENT services and activities and RESIDENT agrees to waive any right to claim a refund of such interest.

7. **UTILITIES AND APPLIANCES:** Housing Authority-Supplied Utilities [966.4 (b)(1)] If indicated by an (X) below, Housing Authority provides the indicated utility as part of the rent for the premises:

( ) Electricity ( ) Natural Gas ( ) Heating Fuel (~~-~~X) Water ~~(~~(X) Sewerage ~~(~~(X) Other:

If indicated by an (X) below, Housing Authority shall provide the following appliances for the premises:

~~(~~(X) Cooking Range ( ) Refrigerator

8. **CHARGES FOR EXCESS UTILITIES**

a. In accordance with the Schedule of Utility Allowances in the STATEMENT OF POLICIES posted in MANAGEMENT'S office, RESIDENT agrees to pay for the excess use of utilities of such allowances. Excess utility bills shall become due and payable 14 days from written notice by MANAGEMENT to the RESIDENT or upon completion of the Grievance process, if timely requested. Said Notice shall provide that the RESIDENT has the right to ask for an explanation of the charges and, if RESIDENT does not agree with the explanation, the RESIDENT shall have the right to request a hearing under MANAGEMENT'S Grievance Procedure.

Excess Utility bills shall be included with the rental statements and shall constitute additional rent which are payable on the 7th calendar day of the following month upon receipt of statement from Management.

b. RESIDENT agrees to maintain all other listed utility services which are not provided by MANAGEMENT during the entire term of this Lease. RESIDENT agrees to promptly pay for all such utilities furnished to the premises.

9. **TERMS AND CONDITIONS**: The following terms and conditions of occupancy are made a part of the Lease.

a. Use and Occupancy of Dwelling: Tenant shall have the right to exclusive use and occupancy of the dwelling unit for Tenant and other household members listed on the lease. This provision permits reasonable accommodation of Tenant's guests or visitors for a period not exceeding fourteen (14) days each year. Permission may be granted, upon written request to the Manager, for an extension of this provision. [966.4 (d)(1)]

b. Ability to comply with Lease terms: If, during the term of this Lease, Tenant, by reason of physical or mental impairment is no longer able to comply with the material provisions of this lease, and cannot make arrangements for someone to aid him/her in complying with the lease, and Housing Authority cannot make any reasonable accommodation that would enable Tenant to comply with the lease THEN; Housing Authority will assist Tenant, or designated member(s) of Tenant's family, to find more suitable housing and move Tenant from the dwelling unit. If there are no family members who can or will take responsibility for moving Tenant, Housing Authority will work with appropriate agencies to secure suitable housing and will terminate the Lease. [8.3] At the time of admission, all Tenants must identify the family member(s) to be contacted if they become unable to comply with lease terms.

c. Re-determination of Rent, Dwelling Size, and Eligibility. The rent amount as fixed in of the Lease Agreement is due each month until changed as described below.

(1) The status of each family is to be re-examined at least once a year. Tenants paying Flat Rent shall have their incomes reexamined every three years. Tenant shall certify to compliance with the 8 hour per month community service requirement, if applicable. [960.209]

(2) Tenant promises to supply Housing Authority, when requested, with accurate information about family composition, age of family members, income and source of income of all family members, assets, community service activities, and related information necessary to determine eligibility, annual income, adjusted income, and rent. [966.4 (c)(2)] Failure to supply such information when requested is a serious violation of the terms of the lease and Housing Authority may terminate the lease. All information must be verified. Tenant agrees to comply with Housing Authority requests for verification by signing releases for third-party sources, presenting documents for review, or providing other suitable forms of verification. [966.4 (c)(2)] Housing Authority shall give Tenant reasonable notice of what actions Tenant must take, and of the date by which any such action must be taken for compliance under this section. This information will be used by Housing Authority to decide whether the amount of the rent should be changed, and whether the dwelling size is still appropriate for Tenant's needs.

This determination will be made in accordance with the Admissions and Continued Occupancy Policy, which is publicly posted in the Development Office.

(3) Rent will not change during the period between regular re-examinations, UNLESS during such period: [960.209 (b)]

(a) Tenant can verify a change in his/her circumstances (such as decline in or loss of income) that would justify a reduction in rent, except that rent shall

not be reduced because a tenant's TANF grant is reduced because Tenant committed welfare fraud or failed to comply with a welfare department economic self sufficiency requirement.

If a reduction is granted, Tenant must report subsequent increases in income within 10 days of the occurrence, until the next scheduled re-examination. (Failure to report within the 10 days may result in a retroactive rent charge.)

(b) If it is found that Tenant has misrepresented the facts upon which the rent is based so that the rent Tenant is paying is less than the rent that he/she should have been charged. Housing Authority then may apply an increase in rent retroactive to the first of the month following the month in which the misrepresentation occurred.

(c) Rent formulas or procedures are changed by Federal law or regulation.

d. All changes in family composition must be reported to the ~~Housing Manager~~Public Housing Asset Manager within 10
days of the occurrence. Failure to report within the 10 days may result in a retroactive rent charge. [966.4 (c) (2)]

e. Rent Adjustments: Tenant will be notified in writing of any rent adjustment due to the situations described above; All notices will state the effective date of the rent adjustment.

(1) In the case of a rent decrease, the adjustment will become effective on the first day of the month following the reported change in circumstances, provided Tenant reported the change in a timely manner, as specified above.

(2) In the case of a rent increase, when an increase in income occurs after a prior rent reduction and is reported within 10 calendar days of the occurrence, the increase will become effective the first day of the 2nd month following the month in which the change was reported.

(3) In the case of a rent increase due to misrepresentation, failure to report a change in family composition, or failure to report an increase in income (after a reduction in rent per the fixed rent policy), Housing Authority shall apply the increase in rent retroactive to the first of the month following the month in which the misrepresentation occurred.

f. Transfers [966.4 (c)(3)]:

(1) Tenant agrees that if Housing Authority determines that the size or design of the dwelling unit is no longer appropriate to Tenant's needs, Housing Authority shall send Tenant written notice. Tenant further agrees to accept a new lease for a different dwelling unit of the appropriate size or design.

(2) Housing Authority may move a Tenant into another unit if it is determined necessary to rehabilitate or demolish Tenant's unit.

(3) If a Tenant makes a written request for special unit features in support of a documented disability, Housing Authority shall modify Tenant's existing unit. If the cost and extent of the modifications needed are tantamount to those required for a fully accessible unit, Housing Authority may transfer Tenant to another unit with the features requested at Housing Authority's expense.

(4) A tenant without disabilities that is housed in a unit with special features must transfer to a unit without such features should a Tenant with disabilities need the unit.

(5) In the case of involuntary transfers, Tenant shall be required to move into the dwelling unit made available by Housing Authority. Tenant shall be given 7 calendar days time in which to move following delivery of a transfer notice. If Tenant refuses to move, Housing Authority may terminate the Lease. [966.4 (c)(3)]

(6) Involuntary transfers are subject to the Grievance Procedure, and no such transfers may be made until either the time to request a Grievance has expired or the procedure has been completed. [966.4 (c)(4)]

(7) Housing Authority will consider any Tenant requests for transfers in accordance with the transfer priorities established in the Admissions and Occupancy Policies.

(8) Housing Authority Obligations [966.4 (e)]: Housing Authority shall be obligated:

(a). To maintain the dwelling unit and the project in decent, safe and sanitary condition; [966.4(e)(1)]

(b). To comply with the requirements of applicable building codes, housing codes, and HUD regulations materially affecting health and safety; [966.4 (e)(2)]

(c). To make necessary repairs to the dwelling unit; [966.4 (e)(3)]

(d). To keep project building, facilities, and common areas, not otherwise assigned to Tenant for maintenance and upkeep, in a clean and safe condition; [966.4 (e)(4)]

(e). To maintain in good and safe working order and condition electrical, plumbing, sanitary, heating, ventilating, and other facilities and appliances,; [966.4 (e)(5)]

~~a.~~(f) To provide and maintain appropriate receptacles and facilities (except container for the exclusive use of an individual tenant family) for the deposit of garbage, rubbish, and other waste removed from the premise by Tenant as required by this Lease; [966.4 (e)(6)]

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(g). To supply running water and reasonable amounts of hot water and reasonable amount of heat at appropriate times of the year according to local custom and usage; EXCEPT where the building that includes the dwelling unit is not required to be equipped for that purpose, or where heat or hot water is generated by an installation within the exclusive control of Tenant and supplied by a direct utility connection; [966.4 (e)(7)]

(h). To notify Tenant of the specific grounds for any proposed adverse action by Housing Authority. (Such adverse action includes, but is not limited to: a proposed lease termination, transfer of Tenant to another unit, change in amount of rent, or imposition of charges for maintenance and repair, or for excess consumption of utilities.) When Housing Authority is required to afford Tenant the opportunity for a hearing under the Housing Authority grievance procedure for a grievance concerning a proposed adverse action:

(i) The Notice of the proposed adverse action shall inform Tenant of the right to request such hearing. In the case of lease termination, a notice of lease termination that complies with 966.4(l)(3) shall constitute adequate notice of proposed adverse action.

(ii) In the case of a proposed adverse action other than a proposed lease termination, Housing Authority shall not take the proposed action until time

to request such a hearing has expired or (if hearing was timely requested) the grievance process has been completed. [966.4 (e)(8)]

10. **TENANT'S OBLIGATIONS**: Tenant shall be obligated:

a. Not to assign the Lease, nor sublease the dwelling unit. [966.4 (f)(1)]

b. Not to give accommodation to boarders or lodgers; [966.4 f)(2)]

c. Not to give accommodation to long term guests (in excess of 14 days) without the advance written consent of Housing Authority.

d. To use the dwelling unit solely as a private dwelling for Tenant and Tenant's household as identified in the Lease, and not to use or permit its use for any other purpose. [966.4 (f)(3)] This provision does not exclude the care of foster children or live-in care of a member of Tenant's family, provided the accommodation of such persons conforms to Housing Authority's Occupancy standards, and so long as Housing Authority has granted prior written approval for the foster child(ren), or live-in aide to reside in the unit. [966.4 (d)((3)(i)]

e. To abide by necessary and reasonable regulations promulgated by Housing Authority for the benefit and well-being of the housing project and Tenants. These regulations shall be posted in a conspicuous manner in the project office and incorporated by reference in this Lease. Violation of such regulations constitutes a violation of the Lease. [966.4 (f)(4)]

f. To comply with the requirements of applicable state and local building or housing codes, materially affecting health and/or safety of Tenant and household. [966.4(f)(5)]

g. To keep the dwelling unit and other such areas as may be assigned to Tenant for exclusive use in a clean and safe condition. [966.4(f)(6)] This includes keeping front and rear entrances and walkways for the exclusive use of Tenant, free from hazards and trash and keeping the yard free of debris and litter. Exceptions to this requirement may be made for Tenants who have no household members able to perform such tasks because of age or disability. [966.4 (g)]

h. To dispose of all garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner only in containers approved or provided by Housing Authority. [§ 966.4(f)(7)] To refrain from, and cause members of Tenant's household or guest to refrain from, littering or leaving trash and debris in common areas.

i. To use only in reasonable manner all electrical, sanitary, heating, ventilating, air-conditioning, and other facilities and appurtenances

(1) Not disturb other residents' peaceful enjoyment of their accommodations; and

(2) Be conducive to maintaining all Housing Authority projects in a decent, safe, and sanitary condition.
[966.4 (f)(11)]

j. To assure that Tenant, any member of the household, a guest, or another person under Tenant's control, shall not engage in:

(1) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of Housing Authority's public housing premises by other residents or employees of Housing Authority, or;

(2) Any drug-related criminal activity. Any criminal activity in violation of the preceding sentence shall be cause for termination of tenancy, and for eviction from the unit. (For the

purposes of this lease, the term drug-related criminal activity means the illegal possession, manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use, of a controlled substance as defined in Section 102 of the Controlled Substances Act.) [966.4 (f)(12)]

(3) To make no alterations or repairs or redecorations to the interior of the dwelling unit or to the equipment, nor to install additional equipment or major appliances without written consent of Housing Authority. To make no changes to locks or install new locks on exterior doors without Housing Authority's written approval. To use no nails, tacks, screws, brackets, or fasteners on any part of the dwelling unit (a reasonable number of picture hangers excepted) without authorization by Housing Authority.

(4) To give prompt prior notice to Housing Authority, in accordance with this Lease to Tenant's leaving dwelling unit unoccupied for any period exceeding two calendar weeks.

(5) To act in a cooperative manner with neighbors and Housing Authority Staff. To refrain from and cause
members of Tenant's household or guests to refrain from acting or speaking in an abusive or threatening manner toward neighbors and Housing Authority staff.

(6) Not to display, use, or possess or allow members of Tenant's household or guests to display, use or possess any illegal firearms anywhere on the property of Housing Authority.

(7) To take reasonable precautions to prevent fires and to refrain from storing or keeping highly volatile or flammable materials upon the premises.

(8) To avoid obstructing sidewalks, areaways, or passages, and to avoid using these for purposes other than going in and out of the dwelling unit.

(9) To refrain from erecting or hanging radio or television antennas on or from any part of the dwelling unit, except that roof antennas may be installed in accordance with regulations set forth by Housing Authority with the written approval of Housing Authority.

(10) To refrain from placing signs of any type in or about the dwelling except those allowed under applicable zoning ordinances and then only after having received written permission of Housing Authority.

(11) To refrain from, and cause members of Tenant's household to refrain from keeping, maintaining, harboring, or boarding any animal of any nature in the dwelling unit except in accordance with the Housing Authority's pet policy, unless a verified disability warrants the possession of a service animal or companion animal.

(12) To remove from Housing Authority property any vehicles without valid registration and inspection stickers. To refrain from parking any vehicles in any right-of-way or fire lane designated and marked by Housing Authority. Any inoperable or unlicensed vehicle as described above will be removed from Housing Authority property at Tenant's expense. Automobile repairs are not permitted on project site.

(13) To remove any personal property left on Housing Authority property when Tenant leaves, abandons or
surrenders the dwelling unit. Property left for more than 30 days shall be considered abandoned and will be disposed of by Housing Authority. Costs for storage and disposal shall be assessed against the former tenant.

(14) To use reasonable care to keep his dwelling unit in such condition as to ensure proper health and sanitation standards for Tenant, household members and neighbors. TENANT SHALL

NOTIFY THE AUTHORITY PROMPTLY OF KNOWN NEED FOR REPAIRS TO HIS DWELLING UNIT, and of known unsafe or unsanitary conditions in the dwelling unit or in common areas and grounds of the Project. Tenant's failure to report the need for repairs in a timely manner shall be considered to contribute to any damage that occurs.

(15) Not to commit any fraud in connection with any Federal housing assistance program, and

(16) Not to receive assistance for occupancy of any other unit assisted under any Federal housing assistance program during the term of the lease.

(17) To pay promptly any utility bills for utilities supplied to Tenant by a direct connection to the utility company, and to avoid disconnection of utility service for such utilities.

(18) For each adult in the Tenant household to perform at least 8 hours per month of qualifying community service (as specified by the Housing Authority) unless the requirement is waived due to age, disability, or the fact that an adult is excused from this requirement because he/she is working, attending an educational institution, or participating in some other qualified training program.

k. Abide by all House Rules

11. **DEFECTS HAZARDOUS TO LIFE, HEALTH OR SAFETY**: In the event that the dwelling unit is damaged to the extent that conditions are created that are hazardous to the life, health, or safety of the occupants: [966.4 (h)]

a. Housing Authority Responsibilities:

(1) Housing Authority shall be responsible for repair of the unit within a reasonable period of time or 24 hours for health and safety repairs after receiving notice from Tenant, provided, if the damage was caused by Tenant, household members, or guests, the reasonable cost of the repairs shall be charged to Tenant.
[966.4 (h)(2)]

(2) Housing Authority shall offer Tenant a replacement dwelling unit, if available, if necessary repairs cannot be made within a reasonable time. Housing Authority is not required to offer Tenant a replacement unit if Tenant, household members, or guests caused the hazardous condition. [966.4 (h)(3)]

(3) Tenant shall accept any replacement unit offered by Housing Authority.

(4) In the event Housing Authority, as described above cannot make repairs, and alternative accommodations are unavailable, then rent shall abate in proportion to the seriousness of the damage and loss in value as a dwelling. No abatement of rent shall occur if Tenant rejects alternative accommodations or if Tenant, household members, or guests caused the damage. [966.4 (h)(4)]

(5) If Housing Authority determines that the dwelling unit is uninhabitable because of imminent danger to the life, health, and safety of Tenant, and Tenant refuses alternative accommodations, this Lease shall be terminated, and any rent paid will be refunded to Tenant.

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b. Tenant Responsibilities:

(1) Tenant shall immediately notify the Project Manager of the damage and intent to abate rent, when the damage is or becomes sufficiently severe that Tenant believes he/she is justified in abating rent.

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(2) Tenant agrees to continue to pay full rent, less the abated portion agreed upon by Housing Authority, during the time in which the defect remains uncorrected.

12. **MOVE-IN AND MOVE-OUT INSPECTIONS (Please Refer to Development Rules)**

a. Move-in Inspection: Housing Authority and Tenant or representative shall inspect the dwelling unit prior to occupancy by Tenant. Housing Authority will give Tenant a written statement of the condition of the dwelling unit, both inside and outside, and note any equipment provided with the unit. The statement shall be signed by Housing Authority and Tenant and a copy of the statement retained in Tenant's folder. [966.4 (i)] Housing Authority will correct any deficiencies noted on the inspection report, at no charge to Tenant.

b. Move-out Inspection -- Housing Authority will inspect the unit at the time Tenant vacates and give Tenant a written statement of the charges, if any, for which Tenant is responsible. Tenant and/or representative may join in such inspection, unless Tenant vacates without notice to Housing Authority. [966.4(i)]

13. **ENTRY OF PREMISES DURING TENANCY**

~~(2)~~a. Tenant Responsibilities

~~a.~~(1) Tenant agrees that the duly authorized agent, employee, or contractor of Housing Authority will be permitted to enter Tenant's dwelling during reasonable business hours for the purpose of performing routine maintenance, making improvements or repairs, inspecting the unit, or showing the unit for releasing. [966.4 (j)(1)]

~~b.~~(2) When Tenant calls to request maintenance on the unit, Housing Authority shall attempt to provide such maintenance at a time convenient to Tenant. If Tenant is absent from the dwelling unit when Housing Authority comes to perform maintenance, Tenant's request for maintenance shall constitute permission to enter.

~~c.~~b. Housing Authority's Responsibilities

~~a.~~(1) Housing Authority shall give Tenant at least 48 hours written notice that Housing Authority intends to enter the unit. Housing Authority may enter only at reasonable times. [966.4 (j)(1)]

~~b.~~(2) Housing Authority may enter Tenant's dwelling unit at any time without advance notification when there is reasonable cause to believe that an emergency exists. [966.4 (j)(2)]

~~c.~~(3) If Tenant and all adult members of the household are absent from the dwelling unit at the time of entry, Housing Authority shall leave in the dwelling unit a written statement specifying the date, time and purpose of entry prior to leaving the dwelling unit. [966.4 (j)(3)]

14. **NOTICE PROCEDURES**

a. Tenant Responsibility

(1) Any notice to Housing Authority must be in writing, delivered to the Project Office or to Housing Authority's central office, or sent by prepaid first-class mail, properly addressed. [966.4 (k)(1)(ii)]

b. Housing Authority Responsibility

(1) Notice to Tenant must be in writing, delivered to Tenant or to any adult member of the household residing in the dwelling unit, or sent by first-class mail addressed to Tenant. [966.4 (k)(1)(i)]

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(2) Unopened, canceled, first class mail returned by the Post Office shall be sufficient evidence that notice was given.

~~(a)~~(3) If Tenant is disabled and requests a reasonable accommodation, all notices will be made available in an accessible format. [966.4 (k)(2)]

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15. **TERMINATION OF THE LEASE**: In terminating the Lease, the following procedures shall be followed by Housing Authority and Tenant:

a. This Lease may be terminated only for serious or repeated violations of material terms of the Lease, such as failure to make payments due under the lease or to fulfill Tenant obligations set forth in this Lease, or for other good cause. [966.4 (l)(2)] Such serious or repeated violation of terms shall include but not be limited to:

(1) The failure to pay rent or other payments when due; [966.4 (l)(2)]

(2) Repeated late payment, which shall be defined as failure to pay the amount of rent or other charges due by the seventh of the month. Four such late payments within a 12 month period shall constitute a repeated late payment; [966.4 (l)(2)]

(3) Failure to pay utility bills when Tenant is responsible for paying such bills directly to the supplier of utilities; [966.4 (l)(2)]

(4) Misrepresentation of family income, assets, or composition; [966.4 (c)(2)]

(5) Failure to supply, in a timely fashion, any certification, release, information, or documentation on Family income or composition needed to process annual reexaminations or interim re-determinations. [966.4 (c)(2)].

(6) Serious or repeated damage to the dwelling unit, creation of physical hazards in the unit, common areas, grounds, or parking areas of any project site; [966.4 (l)(2)]

(7) Criminal activity by Tenant, household member, guest, or other person under Tenant's control, including criminal activity that threatens the health, safety or right to peaceful enjoyment of Housing Authority's public housing premises by other residents, or any drug-related criminal activity. [966.4 (l)(2)]

(8) Offensive weapons or illegal drugs seized in a Housing Authority unit by a law enforcement officer; [966.4 (l)(2)]

(9) Any fire on Housing Authority premises caused by carelessness or unattended cooking. [966.4 (l)(2)]

(10) This Lease may be terminated by RESDIENT at any time by giving thirty (30) days written notice. Resident agrees to move promptly and leave unit in a clean and good condition (except for reasonable wear and tear) and to return the keys to MANAGEMENT when he/she vacates. Rent will continue until the keys are returned to Management office.

(11) The Lease shall terminate upon the death of the RESIDENT. In the event there is a surviving adult RESIDENT, MANAGEMENT may, if it so elects enter into a new lease with said surviving RESIDENT. In the event, there is no surviving RESIDENT, MANAGEMENT may, if it so elects, enter into a lease with a person, who is a member of the household, if said person otherwise, meets the requirements for occupancy as contained in the State of Policy of MANGEMENT. A live-in aide is not considered a member of the household.

Should the circumstance arise the there is no longer a living adult in the unit, MANAGEMENT may, at its discretion, admit a relative or guardian to live in the unit and assume the obligation of the Lease as Head of Household.

(12) The Lease may be terminated by MANGEMENT at any time by giving written notice pursuant to Paragraph 18 and Section 1162 of the Code of Civil Procedure. The Lease shall automatically terminate at, and the RESIDENT shall vacate the premises no later than, the time of expiration of the period hereinafter set forth. Such notice terminating said Lease and RESIDENT'S tenancy thereinafter may only be given for reasonable cause such as , but not limited to the reasons stated below:

(a) Grounds for termination if RESIDENT member of the RESIDENT'S household or guest is subject to a lifetime registration requirement under any State sex offenders registration program

(b) Grounds for termination if RESIDENT member of the RESIDENT'S household or guest is a "Fleeing Felon" or is harboring a "Fleeing Felon". The term "Fleeing Felon" shall include, but is not limited to, a person who seeks to avoid prosecution, custody, or confinement after conviction for a felony or violating a condition of probation or parole imposed under Federal or State Law.

(c) For persons determined to be registered with probation/parole department at the leased address without prior authorization by management for immediate termination of tenancy.

b. Housing Authority shall give written notice of the proposed termination of the Lease of:

(1) 14 days in the case of failure to pay rent;

(2) A reasonable time, but not to exceed thirty days, considering the seriousness of the situation (but not to exceed 30 days) when the health or safety of other tenants or Housing Authority staff is threatened;

(3) 30 days in any other case. [966.4 (l)(3)(i)(A), (B) & (C)]

c. The notice of termination:

(1) The notice of termination to Tenant shall state specific reasons for the termination, shall inform Tenant of his/her right to make such reply as he/she may wish, and Tenant's right to examine Housing Authority documents directly relevant to the termination or eviction. [966.4 (l)(3)(ii)]

(2) When Housing Authority is required to offer Tenant the opportunity for a grievance hearing, the notice shall also inform Tenant of the right to request such a hearing in accordance with Housing Authority's grievance procedures. [966.4 (l)(3)(ii)]

(3) Any notice to vacate (or quit) that is required by State or local law may be combined with, or run concurrently with the notice of lease termination under this section. [966.4 (l)(3)(iii)] The Notice to Vacate must be in writing, and specify that if Tenant fails to quit the premises within the applicable statutory period, appropriate action will be brought against Tenant, and Tenant may be required to pay the costs of court and attorney's fees.

(4) When Housing Authority is required to offer Tenant the opportunity for a grievance hearing concerning

the lease termination under Housing Authority's grievance procedure, the tenancy shall not terminate (even if any Notice to Vacate under State of local law has expired) until the period to request a hearing has expired, or (if a hearing is requested) the grievance process has been completed. [966.4 (l)(3)(iv)]

(5) When Housing Authority is not required to offer Tenant the opportunity for a hearing under the grievance procedure and Housing Authority has decided to exclude such grievance for Housing Authority grievance procedure, the notice of lease termination shall (a) state that Tenant is not entitled to a grievance hearing on the termination; (b) specifies the judicial eviction procedure to be used by Housing Authority for eviction and state that HUD has determined that this eviction procedure provides the opportunity for a hearing in a court that contains the basic elements of due process as defined in HUD regulations; and (c) state whether the eviction is for a criminal activity that threatens health or safety of residents or staff or for drug-related criminal activity. [966.4 (l)(3)(v)]

(7) Housing Authority may evict Tenant from the unit only by bringing a court action. [966.4 (l)(4)]

(8) Tenant may terminate this Lease at any time by giving thirty days written notice as described in this Lease.

(9) In deciding to evict for criminal activity, Housing Authority shall have discretion to consider (or not to consider) all of the circumstances of the case, including the seriousness of the offense, the extent of participation by or awareness of family members, and the effects that the eviction would have both on family members not involved in the proscribed activity and on the family's neighbors. In appropriate cases, Housing Authority may permit continued occupancy by remaining family members and may impose a condition that family members who engaged in the proscribed activity will neither reside in nor visit the unit. Housing Authority may require a family member who has engaged in the illegal use of drugs to present credible evidence of successful completion of a treatment program as a condition to being allowed to reside in the unit. [966.4 (l)(5)]

(10) When a Housing Authority evicts a Tenant from a dwelling unit for criminal activity Housing Authority shall notify he local post office serving that dwelling unit that such individual or family is no longer residing in the unit so the post office will stop mail delivery for such persons and they will have no reason to return to the unit. [966.4 (l)(5)(ii))]

16. **WAIVER**: No delay or failure by Housing Authority in exercising any right under this lease agreement, and no partial or single exercise of any such right shall constitute a waiver (post or prospective) of that or any other right, unless otherwise expressly provided herein.

17. **HOUSEKEEPING STANDARDS**: In an effort to improve the livability and conditions of the apartments owned and managed by Housing Authority, uniform standards for resident housekeeping have been developed for all tenant families.

    a. Housing Authority Responsibility: The standards that follow will be applied fairly and uniformly to all Tenants. Housing Authority will inspect each unit at least annually, to determine compliance with the standards. Upon completion of an inspection Housing Authority will notify Tenant in writing if he/she fails to comply with the standards. Housing Authority will advise Tenant of the specific correction(s) required establishing compliance, and indicating that training is available. Within a reasonable period of time, Housing Authority will schedule a second inspection. Failure of a second inspection will constitute a violation of the lease terms.

    b. Tenant responsibility: Tenant is required to abide by the standards set forth below. Failure to abide by the Housekeeping Standards that results in the creation or maintenance of a threat to health or safety is a violation of the lease terms and can result in eviction.

c. Housekeeping Standards: Inside the Apartment

(1) General:

~~(b)~~(a) Walls: should be clean, free of dirt, grease, holes, cobwebs, and fingerprints.

~~(c)~~(b) Floors: should be clean, clear, dry and free of hazards.

~~(d)~~(c) Ceilings: should be clean and free of cobwebs.

~~(e)~~(d) Windows: should be clean, not blocked by furniture and not nailed shut. Shades or blinds should be intact.

~~(f)~~(e) Woodwork: should be clean, free of dust, gouges, or scratches.

~~(g)~~(f) Doors: should be clean, free of grease and fingerprints. Doorstops should be present.

~~(h)~~(g) Locks should work.

~~(i)~~(h) Heating units: should be dusted and access uncluttered.

~~(j)~~(i) Trash: shall be disposed of properly and not left in the unit.

~~(k)~~(j) Entire unit should be free of rodent or insect infestation.

(2) Kitchen:

~~a.~~(a) Stove: should be clean and free of food and grease.

~~b.~~(b) Refrigerator: should be clean. Freezer door should close properly and freezer has no more than one inch of ice.

~~c.~~(c) Cabinets: should be clean and neat. Cabinet surfaces and countertop should be free of grease and spilled food. Cabinets should not be overloaded. Storage under the sink should be limited to small or lightweight items to permit access for repairs. Heavy pots and pans should not be stored under the sink.

~~d.~~(d) Exhaust Fan: should be free of grease and dust.

~~e.~~(e) Sink: should be clean, free of grease and garbage. Dirty dishes should be washed and put away in a timely manner.

~~f.~~(f) Food storage areas: should be neat and clean without spilled food.

~~g.~~(g) Trash/garbage: should be stored in a covered container until removed to the disposal area.

~~i.~~(3) Bathroom:

~~(4)~~(a) Toilet and tank: should be clean and odor free.

~~(5)~~(b) Tub and shower: should be clean and free of excessive mildew and mold. Where applicable, shower curtains should be in place, and of adequate length.

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~~(6)~~(c) Lavatory: should be clean.

~~(7)~~(d) Exhaust fans: should be free of dust.

~~(8)~~(e) Floor should be clean and dry.

(4) Storage Areas:

~~o~~(a) Linen closet: should be neat and clean.

~~o~~(b) Other closets: should be neat and clean. No highly volatile or flammable materials should be stored in the unit.

~~o~~(c) Other storage areas: should be clean, neat and free of hazards.

d. Housekeeping Standards: Outside the Apartment

The following standards apply to family and scattered site development only; some standards apply only when the area noted is for the exclusive use of Tenant:

(1) Yards: should be free of debris, trash, and abandoned cars. Exterior walls should be free of graffiti.

(2) Porches (front and rear): should be clean and free of hazards. Any items stored on the porch shall not impede access to the unit.

(3) Steps (front and rear): should be clean, and free of hazards.

(4) Sidewalks: should be clean and free of hazards.

(5) Storm doors: should be clean, with glass or screens intact.

(6) Parking lots/spaces: should be free of abandoned cars. Only minor car repairs are allowed in the lots/spaces.

(10) Utility room: should be free of debris, motor vehicle parts, and flammable materials.

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Tenant agrees that all the provisions of this lease have read and are understood and further agrees to be bound by its provisions and conditions as written.

I/We, the resident(s) whose signature(s) appear(s) immediately below, have read and do understand and hereby agree to the provisions of this lease and the conditions of occupancy set forth in this lease; and I/We hereby further agree that failure to observe and follow said lease provisions and conditions of occupancy will be just and proper cause for the termination and cancellation of this lease by management. I/We hereby further agree that upon expiration of the time limit contained in any written notice of cancellation from Management Representative, I/We will vacate the premises covered by this lease, without disturbance or delay. I/We also understand that this Lease contains a provision for the renewal of successive terms twelve months, unless terminated by thirty (30) days' prior written notice by resident, or thirty (30) days' prior written notice by management (or as otherwise stated herein).

Executed in Duplicate

HOUSING AUTHORITY OF THE COUNTY
OF SAN JOAQUIN

By_____ Date _____

_____
Title

RESIDENT(S)

_____ Date _____

_____ Date _____

Printed Name

_____

_____

Appendix III

House Rules

The purpose of these rules is to allow each resident to enjoy his or her unit and to better ensure the safety of residents and the appearance of the community. As a resident in a Development, you necessarily assume certain responsibilities that go along with the many benefits of the Community lifestyle. Basically, these are common rules of etiquette designed to make the community more enjoyable for all residents. Management reserves the right to take the necessary steps to enforce the House Rules. *Any violation of the rules will be grounds for termination of tenancy.*

Tenant Initial(s)

_____ **Disturbances:** Social and friendly gatherings of residents and their guests are welcomed and encouraged, provided that such gatherings do not become boisterous, obscene or generally objectionable to the other residents. Public drunkenness or drunkenness that disturbs other residents will not be tolerated. Residents are entirely responsible for the conduct of their guests in the unit or outside in the common areas. Keep stereos, radios, televisions, and all audio devices at minimum levels so that neighbors are not disturbed. Nothing should be done in or about the Development that will interfere with the rights, comfort or convenience of other residents.

There is to be **no** late night public drinking or partying on the grounds of the development. Any noise that can be heard outside is to cease by 10:00 p.m. (check with code enforcement for each site) and the level of noise prior to this should not be disturbing to any of the other Tenants.

_____ **Drug/Criminal Activity:** Resident must not be involved with any illegal or criminal activity. Residents must not be involved with any drug-related criminal activity on or off the premises including, but not limited to the following: the growing, manufacturing, producing, or selling of marijuana, met amphetamine or any illegal narcotic at the dwelling unit or premises.

_____ **Guests:** Residents are responsible for the guests' behavior in the unit and on the premises.

Disorderly guests will be requested to leave the premises by Management and residents will be responsible for any damage caused by their guests. Per your signed lease, guests are allowed to stay **no more than 14 days.**

Should you have difficulty in controlling their behavior then we suggest that you do not invite them back to visit as problems arising from the conduct of these guests could constitute a lease violation and subsequent notice to vacate.

_____ **Children:** Children **must be** adequately supervised at all times, so as not to disturb other tenants. All children **must be** supervised when playing in the "Common Areas". As a member of your household, your children will also be responsible to follow the House Rules

_____ **Community Appearance:** Since this Housing Development is your home, we ask that you treat it in that way. We are proud of our community and want and need your pride in the Development as well. In this way, it will be an attractive and safe place in which to live and entertain your guests. We ask that you abide by the following policies to maintain an attractive community and a safe environment and to protect the property:

_____ Window coverings are to be attractive to the surrounding. Sheets, blankets, aluminum foil, heavy paper, and other such items are not acceptable window coverings.

_____ Sidewalks, entrances, passages, courts, vestibules, stairways, corridors, and halls should not be obstructed or encumbered or used for any purpose other than entering and leaving your apartment.

_____ All common areas should be kept clear of furniture, bicycles, toys, and any other personal property and kept in a neat and clean manor.

_____ No sign, advertisement, notice or other lettering should be exhibited, inscribed, painted or affixed by any resident on any part of the outside or inside of the apartment or building without the prior written consent of management.

_____ No radio, television, or satellite aerials or wires should be erected in or about any part of your unit without prior completion of the request form and prior approval of management.

_____ Trees and shrubbery are a vital and valuable part of the community, and you will be liable for damages or any mutilation or defacing for which you, your children, or your guests are responsible.

_____ Holiday decorations (i.e. Christmas Lights, lawn ornaments, wreaths, etc.) can only be displayed 30 days prior and 30 days after the date of the Holiday. Any decorations not removed at that time will be removed by the management at the tenants expense utilizing the current approved maintenance hourly rate

_____ Any expense incurred by the management as a result of mistreatment of the unit or common areas will, insofar as necessary, be assessed against the residents responsible.

_____ Trampolines are not allowed in the Development. IF you have a trampoline you will be served a lease violation.

_____ Lawns are to mowed and kept tidy at all times. Lawns that are not properly maintained (i.e. lawns not mowed) will be mowed by management at the tenant's expense utilizing the current approved maintenance hourly rate.

_____ **Keys and Locks:** We supply a set of keys to the unit. All keys are to be returned to our office upon vacating the apartment. Residents are not permitted to alter any lock or install a new lock, knocker or other attachment on the door.

_____ **Swimming Pools:** Tenants must sign and agree to the "Addendum to Lease for Pool" before setting up a swimming pool. Swimming pools are limited to ten (10) inches high by six (6) feet across and must be located in a back yard with a locked gate. Tenant must provide proof of current renters insurance including subsequent renewals which includes coverage for damage and accidents. The yard and pool must be maintained in a neat and tidy manner.

_____ **Pets:** Limit one pet per dwelling unit. The pet must be approved in advance by Management. The pet owner must submit and enter into a Pet Consent Agreement with Management before the pet is brought into the premises, if applicable. Keeping unapproved pet is a violation of the House Rules and grounds for termination of your lease. Aide animals are not subject to this rule. Residents with animal must pay a pet security deposit of $300.

Your pet can not weight more than 20 pounds. All fish tanks must be 10 gallons or less.

At no times are your guests allowed to bring their "pets" with them to visit, nor are you allowed to watch someone's pet on your property. Failure to abide by these may be cause for termination of your tenancy

_____ **Automobiles:** Automobiles must be parked on the street or in parking spaces provided by the development. Please park in a manner that allows other cars easy access in and out. Do not "double park". Park only in designated areas, never in fire lanes. Cars that are parked in restricted areas will be towed away at the owner's expense.

You, any other household members, or your guests are not allowed to park on the lawn in either your yard or any common areas. You will be issued a lease violation and fined $25 for the first offense and $50 for subsequent offenses. Excessive lease violations could lead to termination of your lease.

Only those individuals who are "Handicapped" use the space provided for "Handicapped Parking". Those who violate the parking guidelines will have their vehicle towed away at their own expense and subject to a lease violation.

All cars must be licensed and drivable. They should not be "stored" in parking areas. Vehicles found on the premises in a "non-operable" condition, with flat tires or on jacks, supports or bare wheels, will be removed at the owner's expense. Expired licenses indicate a "stored" condition, and the vehicle will be removed.

We also ask that residents not perform any major repairs on their cars at the development. Changing of a battery, tire, air filter, or other minor repair not lasting more than 4 hours will be allowed. **Note: Changing oil is not permitted at any time and constitutes a lease violation.** Please, always properly dispose of refuse.

_____ **Trash Disposal and Refuse:** For Trash **must** be bagged and tied or wrapped and should be placed **only in your** unit numbered trash receptacle that you are provided. Follow the guidelines that were given to you at Move-In.

_____ **Screens:** Any lease holder or resident who removes a screen from a window except in an extreme emergency, such as fire, will receive a substantial charge for re-installation and if necessary the cost of a new screen. This will be considered a lease violation.

_____ **Waterbeds:** Waterbeds are NOT ALLOWED in any unit unless arrangements are made in advance and Management has given WRITTEN APPROVAL and a copy of the tenant's waterbed insurance is provided to management.

_____ **Plumbing:** Plumbing facilities must be used only for the purpose for which they were designed and constructed. Do not drop/flush sanitary napkins, rags, matches, cigarettes, coarse paper, or kitchen refuse in the toilet bowl. All resident-caused plumbing stoppage is the tenant's responsibility and any resulting costs will be charged to the tenant.

_____ **Damage to Unit:** Tenants will be required to pay for all damage to apartments cause by their negligence. Management reserves the right to enter the apartments at all reasonable hours to protect the premises and contents from damage and to make repairs. A 24 hour notice is required except in emergency situations.

_____ **Painting:** Painting of any portion of the unit is not permitted.

_____ **Fire Department Regulations and Fire Precautions:** Please report any fires to the Fire Department and the office immediately. Always give an accurate and understandable address to aid fire units in locating the fire. Storage of kerosene, gasoline or other flammable or explosive agents is prohibited. Fire regulations prohibit residents from installing burglar gates, or grill cooking on the porches.

The best way to stop fire is to prevent it before it starts:

~~1.~~ ▪ Store all items safely.

~~2.~~ ▪ Empty waste and trash containers daily.

~~3.~~ ▪ Dispose of newspapers and magazines regularly.

~~4.~~ ▪ Store all matches in tightly closed metal containers.

~~5.~~ ▪ Clean grease and spilled food daily from cooking range and oven.

~~6.~~ ▪ Store cooking grease containers away from range.

~~7.~~ ▪ Never wear flimsy clothing or plastic aprons when cooking.

~~8.~~ ▪ Keep curtains, towels, potholders, and other flammable items away from cooking range top.

~~9.~~ ▪ Please refrain from smoking in bed.

~~10.~~ ▪ ___Have plenty of ashtrays for smokers to use.

~~11.~~ ▪ ___Never empty ashtrays in wastebaskets until the ash has been soaked.

~~12.~~ ▪ ___Always keep household equipment clean and in good repair.

~~13.~~ ▪ ___Have worn and frayed electrical cords replaced immediately.

~~14.~~ ▪ ___Avoid overloading electric wiring circuits.

~~15.~~ ▪ ___Use a heat-resistant pad under toasters, grills, and other appliances.

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_____ **Smoke Detectors:** Smoke detectors have been installed in your unit in compliance with city ordinances and to provide an additional measure of safety for you. These devices are designed to sense the visible and invisible products of combustion created by a fire, and are intended to give early warning in case of smoke or fire. However, they cannot be expected to protect against fires resulting from smoking in bed. The battery that powers the detector should last at least one year. However, you should test its operation once each month to assure yourself of proper functioning. (Test the battery by firmly depressing the button located near the center of the detector cover for a few seconds. The alarm will sound as it would if smoke from a fire were actually present. If the alarm does not sound, call the management office immediately.)

_____ **Tenant Insurance:** In the event of loss or damage by fire or other casualty to your apartment due to your own fault or that of your guests, you will be charged and billed for restoration of the loss or the damaged premises. Therefore, we strongly recommend that you contact an insurance agent to obtain Renters' Insurance, Household Goods and Liability Insurance or another similar policy to cover your personal belongings against vandalism, fire, burglary, and water damage as well as personal liability. Our insurance **does not** cover your personal belongings or liability.

_____ **Vacations or Absence from Unit:** It is advisable to notify the mail carrier, newspaper and all other routine delivery people when you plan to be away from your home for an extended period. The Post Office can hold your mail and other deliveries for you until you return. A growing pile of newspapers allows too many people to know you are absent. Before leaving on your vacation, cupboards should be checked for unwrapped foodstuffs. The garbage should be emptied. Mail a check to cover the rent if the rental payment due date comes during your vacation. (Your rent is due on the first day of each month, whether you are here or not.)

Keep all windows closed during your absence to prevent rain damage to draperies, carpeting, and unit interiors. Check all electrical appliances (such as the stove or coffeepot to be certain that they are unplugged or off. It is required to notify the office if you will be away for an extended period of time.

The following information pertains to Move-ins and Move-outs.

~~16.~~1. The moving or removing of any furniture, boxes, or any other articles to or from your unit shall be done at reasonable hours, so as not to disturb other tenants. Any damage caused by moving shall be your responsibility and as such you will be charged accordingly.

~~17.~~2. Charges at move-out will be levied where damages and abnormal wear have been caused by the abuse or misuse of the tenant, household members or guest of the household. The Authority will not charge the tenant for the on-going refurbishment of the unit or items needed attention due to normal wear and tear.

~~18.~~3. **CHECK-IN** – You are responsible for a check-in with the Authority at move-in and you should be very careful that any items needing repair are noted on the **MOVE-IN INSPECTION REPORT,** so that you will not be held responsible for any damages that you did not do.

~~19.~~4. **CHECK-OUT** – You are responsible for making an appointment to check-out with the Authority and returning the keys. For any days beyond your move-out date, that the keys are not returned, you will be charged rent at the daily pro-rated amount. You are responsible to call all utility companies to have final readings taken.

The following is a list of items that need to be cleaned by the tenant (you) **prior** to move-out. Any failure on the part of the tenant to leave the unit and its appliances or fixtures clean will result in deductions from the Security Deposit and possibly remove the ability of you to remain in or return to Public Housing.

- All debris must be removed from the unit, storage shed, patio and any and all areas assigned to your unit.
- The walls and floor behind and around the stove should be cleaned.
- Entire bathroom which includes but is not limited to; sinks, tub, tile and toilets must be cleaned.
- Light fixtures should be clean and if any bulbs are missing or broken they need to be replaced.
- Closets and cabinets should be cleaned thoroughly inside and outside (kitchen area will probably need degreaser).
- All floors, walls and stairs must be swept and wiped.
- If your windows are excessively dirty from smoking or cooking, they should be cleaned.
- Any carpet tape, contact paper or shelf paper, picture hooks, etc. should be removed and disposed of.
- All units with carpet must have the carpet professionally cleaned before the unit is vacated

You can expect a letter with an accounting of charges, if any, levied against your security deposit within21 days after the end of the month in which you vacated your unit. You should discuss anything that you might be charged with when you conduct your check-out with the Authority. If you abandon the unit or are not present for the check-out you have no chance to dispute any charges for damages or cleaning. Any charges that exceed your security deposit, including unpaid rent, late fees, NSF fees, prior back charges, sales and service, attorney fees etc., will be listed on the Authority's notice to you and payment of those charges should be remitted to the Authority **IMMEDIATELY**. If the Authority does not receive payment from you, we will turn your account over to an agency for collection.

The Housing Authority will serve a 30 day notice to vacate to any tenant receiving 4 Lease Violations in a 12 month period.

I/We hereby acknowledge that I/We have received a copy of the House Rules & Regulations and agree that we will abide by them.

_____	_____
Head of Household	Date
_____	_____
Spouse/Adult/Co-Head	Date
_____	_____
Other Adult or Live-In Aide	Date
_____	_____
Other Adult or Live-in Aide	Date
_____	_____
Other Adult or Live-in Aide	Date

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Date: **May 1, 2009**

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County of San Joaquin.

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following goals for the program:

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and expand the level of family, owner, and community
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LAN [24 CFR 982.54]

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nt-Based Assistance - Housing Choice Voucher

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federal housing legislation.

32.52]
ne the Housing Authority's local policies for operation
Federal laws and Regulations. All issues related to
this document are governed by such Federal regulations,
ther applicable law. The policies in this Administrative
nce with the consolidated ACC and all HUD-approved

an Joaquin is referred to as “Housing Authority”

plicant” or “Participant” and can refer to a single person

terms of their relationship to landlords.

ageably.

formerly used.

n effective June 19, 1995 restricting assistance to U.S.

4(d)(6)]

comply fully with all Federal, State, and local
and regulations governing Fair Housing and Equal

family or individual the equal opportunity to apply for or
rams on the basis of race, color, sex, religion, creed,
arital status, disability or sexual orientation.

ce with applicable Civil Rights laws, the Housing
ocal information to voucher holders regarding unlawful
o families who believe they are victims of a
e made available during the family briefing session, and
d Discrimination Complaint Forms will be made a part
available upon request at the front desk.

d to attend fair housing training and be informed of the
housing and providing equal opportunity to all families,
ations to persons with disabilities, as a part of the overall
Fair Housing posters are posted throughout the Housing
d interview rooms and the equal opportunity logo will
l attend local fair housing update training sponsored by
current with new developments.

21(c)(1), 8.24(a), 8.25, and 8.31, no individual with
be excluded from participation in, or otherwise be
using Authority's facilities are inaccessible to or
ers and housing information are displayed in locations
n such a manner as to be easily readable from a

le to persons with disabilities. Accessibility for the

ith disabilities an equal opportunity to obtain the same
the same level of achievement as those who do not have
s described in this Administrative Plan including when a
uthority, when the Housing Authority initiates contact
ies, and when the Housing Authority schedules or

mmodation, the requester must first certify (if apparent)
rson with a disability under the following ADA

pairment that substantially limits one or more of the
individual;

ment; or

such impairment.

lics are covered under the ADA. However, a current
h 5.403(a), individuals are not considered disabled for
ny drug or alcohol dependence. Individuals whose drug
heir disability are excluded from the definition.
ling mental and physical limitations would persist if

on with a disability is confirmed, the Housing Authority
competent to make the assessment and provide written
fic accommodation due to their disability and the change
the housing program.

uested accommodation creates an undue administrative or
ll either deny the request and/or present an alternate

or persons with a disability that requires an advocate or
wed to provide some information, but only with the
.

de available in an accessible format upon request, as a

ies under definitions in the Fair Housing Amendments
bilitation Act, and Americans with Disabilities Act.

f the Housing Authority's 504 Advisory Board as well as
ousing Authority's Administrative Plan regarding public
the waiting list in "Applying for Admission", Chapter

e Housing Authority's programs must submit a pre-
n our public notice. Pre-applications will be made
est from a person with a disability.

gibility appointment in the applicant's own handwriting,
accommodation is requested by a person with a
wed by Housing Authority staff to review the
erification of disability as it relates to 504, Fair
dation will be requested at this time. The full application
cations whether reasonable accommodations are

vide translation of documents written in English into
l consider the following factors:

pants in the jurisdiction who do not speak English and
.

rity per client of translation of English written
ge.

tions to provide translation services to non-English

provide translation for non-English speaking families.

VES

g assistance program with efficiency and can
sing Authority is using its resources in a manner that
ice.

es are consistent with the areas of measurement for the

be drawn in an unbiased manner, leaving a clear audit
ewed will relate directly to each factor.

G AUTHORITY PERFORMANCE

other pertinent regulations, the Housing Authority will
entation for a time that is in accordance with HUD
w an auditor, housing professional or other interested
Housing Authority's operational procedures objectively
SEMAP requirements with internal supervisory audits.

entation, supervisory staff audits the following functions:

f reexaminations
f new applications

D 24 CFR 5.212]

dults in their households, are required to sign the HUD
tion. This document incorporates the Federal Privacy Act
er which HUD and the Housing Authority will release

release of information is in accordance with State and
f family information.

one to determine the nature and/or severity of a person's
and marked "confidential" or returned to the family
tion in this folder must not be released except on an "as
lation is under consideration. All requests for access and
information must be approved by the ~~Rental Assistance~~

cedures are designed to safeguard the privacy of
plicant and participant files will be stored in a secure

ose EIV data to any third parties (EIV data is property of
Act). Staff may only provide EIV data to the individual
ata of minors may be provided to the minor's parent or

from the secured file storage area.

disseminate information to make known the availability
or very low-income families on a regular basis. When
, the Housing Authority will publicize the availability
w-income families in a newspaper of general
uitable means.

spaper, the Housing Authority will distribute fact sheets
onal contacts with members of the news media and
g Authority will also utilize public service

he status of housing availability to other service
m of housing eligibility factors and guidelines in order
sing assistance.

effort to keep private owners informed of legislative
h are designed to make the program more attractive to
t owners of applicable legislative changes in program

of decent, safe and sanitary housing units to lease to
conducts periodic meetings with participating owners to
owners.

tion in a community-based organization(s) comprised of managers.

n participation by owners of units located outside areas Housing Authority periodically evaluates the es to identify areas within the jurisdiction where owner f these activities is to provide more choices and better holders are informed of a broad range of areas where thority's jurisdiction and given a list of landlords or or help families who desire to live outside areas of

vith owners and real estate broker associations.

ritable or neighborhood organizations which have an income families and public agencies concerned with ments.

furnish a list of HUD held properties available for rent.

qual opportunity requirements and nondiscrimination the Fair Housing Amendment Act of 1988 and ties Act, to real estate agents, landlords, and other groups income families or are interested in housing such

information if needed, and to receive an explanation of
Authority pertaining to their eligibility.

ation of citizenship or eligible immigrant status and

cant family must either be a U.S. citizen or have eligible
using Authority may provide any financial assistance.

sed in Chapter 15, “Denial or Termination of
titute additional admission criteria. The family's initial
will be made in accordance with the eligibility factors.

status will not be verified until the family is selected
cessing for issuance of a voucher, unless the Housing
s in question, whether or not the family is at or near the

01(c)]
amily may be a single person or a group of persons.

ut a child or children. A group of persons consisting of
rsons living together, or one or more elderly or disabled
es is a family. The Housing Authority determines if any
y.”

ed disabled for eligibility purposes solely on the basis of

in aides is a family.

of the household who is designated by the family as
ying the rent, and has the legal capacity to enter into a
inors who qualify under State law will be recognized as

ead.

Rule, the definition of spouse is: the marriage partner
ould have to be divorced. It includes the partner in a
does not apply to boyfriends, girlfriends, significant

who is equally responsible for the lease with the head
or co-head, but not both. A co-head never qualifies as a

ed that such live-in aide:

essential to the care and well being of an elderly person,
lities;

s), and

vide care for the person(s).

nily members:

ith the approval of the Housing Authority. Written
, knowledgeable professional, such as a doctor, social
ovider must certify that a live-in aide is needed for the
near elderly fifty to sixty-one years old (50-61) or

-in aide if needed as a reasonable accommodation to
by the family member with a disability. Approval of a
will be in accordance with CFR 24 Part 8 and Chapter 1,
Policy" of this Administrative Plan.

e will be provided.

fuse to approve a particular person as a live-in aide or

her corrupt or criminal act in connection with any federal

tivity or violent criminal activity; or

unts to the Housing Authority or to another Housing
e Voucher or public housing assistance under the 1937

suance [24 CFR 982.315]

o two otherwise eligible families due to divorce or legal
the same placement on the waiting list, and there is no
will make the decision taking into consideration the

ted by the Housing Authority.

hold

families living together (such as a mother and father, and
en) and if they apply as a family unit, they will be treated

agreement but live with one parent at least fifty-one
ed members of the household." Fifty-one percent (51%)
ear, which do not have to run consecutively.

f families who claim joint custody or temporary

nd both are trying to claim the child, the parent whose
be allowed to claim the school-age child as a dependent.

le Head of Household student who:

tion of higher education;

whose parents (individually or jointly) are not income

CFR 982.201(b).

nder the low-income limit in any of the following

sisted under the 1937 Housing Act. An applicant is
ed assistance under any 1937 Housing Act program
Programs include any housing federally assisted under

y rental rehabilitation activity under 24 CFR.511.

g in a HOPE 1 or HOPE 2 project.

g in a project subject to a home-ownership program

mily that is displaced as a result of the prepayment of a
gage insurance contract under 24 CFR 248.165.

er assistance as a non-purchasing family residing in a
program.

le, the Housing Authority compares the annual income
for the family's size. Families whose annual income
mission and offered an informal review.

who exercise portability must be within the applicable
iving Housing Authority in which they want to live.

ant is otherwise eligible but cannot provide proof of
program, the applicant may retain its place on the waiting
ome a participant until they can provide a complete and
mber of the household.

irements does not apply to individuals in mixed
gration status under HUD's non-citizens regulation nor
relative to pro-ration of assistance or screening for such

STATUS [24 CFR PART 5, SUBPART E]

mber must be a U.S. citizen or eligible immigrant.
to contend their status. Eligible immigrants are persons
as specified by HUD.

quirement, the status of each member of the family is
status is defined.

s at least one member is a citizen or eligible immigrant.
individuals are called "mixed." Such applicant families
ll be pro-rated and that they may request an informal

members are ineligible for assistance. Such families will
unity for an informal review.

lations at 24 CFR 5.522, they are not eligible for

m if any member of the family has been evicted from
tions of the lease within the past five (5) years. A family
any member of the family fails to sign and submit
quired by the Housing Authority, including HUD Form

wing criteria, in addition to the HUD eligibility criteria,
rogram:

y obligation during a previous participation in the
3) years prior to final eligibility determination.

on if the family member who violated the family
sehold on the application.

ved to the Housing Authority or another Housing
any federal housing program within fifteen (15) days of
to an appropriate repayment agreement and provide
nt.

ng any current payment agreement made with another
ed, before this Housing Authority will allow
Program.

istory for all adults in the household to determine
ed any of the prohibited behaviors as referenced in the
y (Chapter 15, "Denial or Termination of Assistance" of

e information on which eligibility or tenant rent is
assistance and may refer the family file/record to the
(see Chapter 17 "Fraud").

their tenancy histories, which may include:

peaceful enjoyment of their housing

al activity that is a threat to the health, safety or property

f tenancy

er other information in the Housing Authority's
g:

wn in the Housing Authority's records; and

ing Authority) of the landlord at the family's current and

er other information in the Housing Authority's
g:

y

members

plied to all owners.

s how to file a complaint if they have been discriminated
y will advise the family to make a Fair Housing

he program;

der the program;

ly are unwed parents, recipients of public assistance, or

ldren;

amily self sufficiency program; or

(Fair Housing Policy) and Section H (Reasonable
ive Plan.

ocess to provide information to the family so that an
made. Applicants will be placed on the waiting list in

hases. The first is the “initial” application for assistance
phase results in the family's placement on the waiting

mped, and referred to the Housing Authority’s eligibility
h time as it is needed for processing.

n of eligibility” (referred to as the full application). The
y reaches the top of the waiting list. At this time the
of all HUD and Housing Authority eligibility factors is
ligibility for the issuance of a voucher.

LIST [24 CFR 982.206, 982.54(d)(1)]

owing procedures for opening the waiting list.
iting list, the Housing Authority will advertise through
minority publications and media entities:

nty

taken.

ormat if requested. They will provide potential
he Housing Authority address and telephone number,
on eligibility requirements, and the availability of local

ty, additional time will be given as an accommodation
losing deadline. This accommodation is to allow persons
an application in cases when a social service organization
n about the closing date.

hority will accept applications from eligible families
g the application, such as denial of assistance because of
y for the grounds stated in Chapter 15, “Denial or
strative Plan.

g list for the Housing Choice Voucher Program will be
cation.

he Housing Authority, it establishes the family's date and
the waiting list.

ons if there are enough applicants to fill anticipated
ng list may not be closed if it would have a

g list for the Housing Choice Voucher Program will be
cation.

e Housing Authority, it establishes the family's date and
the waiting list.

[24 CFR 982.204(b)]

plication form. The information is to be filled out by the
ecific accommodation for persons with disabilities, the
erson over the telephone. It may also be mailed to the
d in an accessible format.

mit the Housing Authority to preliminarily assess family
placement on the waiting list. The pre-application will

nily qualifies for under Housing Authority subsidy

of household

.

ew. The information on the application will not be
d for final eligibility determination. Final eligibility will
ocess is completed and all information is verified.

based on the information provided in the pre-application,
y in writing (in an accessible format upon request as a
on(s), and inform them of their right to an informal
est to have an advocate attend the informal review as an
nts and Appeals of this Administrative Plan.

]

selected from the waiting list in their determined
to income targeting requirements.

e for the family at the top of the list, the Housing
t until funding is available for the first applicant.

lits into two otherwise eligible families, due to divorce or
claim the same placement on the waiting list, and there
thority will make the decision taking into consideration

ad of household or co-head

n or any disabled or elderly member

time the family applied

t

gencies or qualified professionals such as children's

onsibility of the applicant families. If either or both of
ion, they may be denied placement on the waiting list for
the Housing Authority.

using Authority staff to review the information on the

ith a Housing Authority representative during which the
plete and accurate information as requested by the
certify that all information is complete and accurate.

nicated as requested as an accommodation to a person

lication interview to discuss the family's circumstances
ch has been provided by the family, and to ensure that
is also used as a vehicle to meet the informational needs
ut the application and verification process, as well as to
ty services or programs which may be available.

tend the interview and sign the housing application.

ding school out of state or for members for whom

eduled appointment, the Housing Authority will
nt. If the applicant misses the second appointment
enied.

ed to the Housing Authority with a forwarding address,
han two (2) attempts to forward the appointment letter to
ng the application.

for persons with a disability who require an advocate or
ved to participate in the interview process, but only with

fter the interview that additional information or
ority will request the document(s) or information in
usiness days to supply the information.

nation is returned to the Housing Authority with a
will make no more than two (2) attempts to forward the
ddress.

ne period, the Housing Authority will provide the family
Chapter 19 "Complaints and Appeals" of this

]

be verified using the verification procedures in Chapter
strative Plan. Family composition, income, allowances
tus, eligibility and rent calculation factors, and other
fications may not be more than sixty (60) days old at the

ew that additional information or document(s) are
s) or information in writing. The family will be given
mation.

ne period, the HA will provide the family a notification
Complaints and Appeals").

ATION OF ELIGIBILITY [24 CFR 982.201]

the Housing Authority will make a final determination
nformation provided by the family, the verification
he current eligibility criteria in effect. If the family is
hority will mail a notification of eligibility. A briefing

he preferences and explains the Housing Authority's

ing Authority will be able to perform the activities
pplicants will be available so that program funds are

rence

e head of household

(d), 982.203]

am funding that is targeted for specifically named
these families under a special admission procedure.
d outside of the regular waiting list process. They do not
they required to be on the program waiting list.

records of these admissions.

gram funding that may be designated by HUD for

n or disposition of a public or Indian housing project;

housing project when HUD sells, forecloses or

Housing Preservation and Resident Homeownership Act

a project-based Housing Choice Voucher HAP contract
rm; and

OPE 1 or HOPE 2 project.

s as those for opening and closing the waiting list. The
preference system:

oints)

ice Voucher assistance will take precedence over other
to the Housing Choice Voucher program must be a
uding disasters recognized by a Federal government,
eir dwelling or is:

als of a local code enforcement office and does not
more critical defects or a combination of defects
s the health, safety, and well-being of family.

a government agency.

or surviving spouses of veterans may qualify for this
of honorable discharge. If discharge is less than
eligibility to receive veteran's benefits.

d to work within San Joaquin County and/or residents
tly participate in an approved Cal work's Program at the

een notified that they are hired to work in a residency
of the residency preference area. The Housing
participants in, education and training programs in a
e residency preference area if the education or training
for the job market.

eference will be verified.

an applicant does not qualify for the preference, the
t without the local preference and given an opportunity

ence claim was the only reason for placement of the
ify their eligibility for the preference as of the date of
m the list.

]

tain family types, families who qualify are placed on the
f funding becomes available, the waiting list is searched
rgeted funding criteria.

d funding which are not identified as a special admission
stem. The following types of program funding may be

disposition of a public housing project
using project when HUD sells, forecloses or demolishes

g Preservation and Resident Homeownership Act of

t subject to a homeownership program (under 24 CFR

roject-based Section 8 HAP contract at or near the end of

1 or HOPE 2 project.

d Work Responsibility Act (QHWRA) of 1998, each

llows the Housing Authority to admit less than the
ely low-income families in a fiscal year to its public
sing Authority's admission of extremely low income
gram exceeds seventy-five percent (75%) of all
sing this option the Housing Authority will follow the
in QHWRA legislation.

exercise the fungibility provision is also reflected in the
ssions and Continued Occupancy Policy.

G ELIGIBILITY [24 CFR 982.207]

hile on the waiting list may affect the family's
required to notify the Housing Authority in writing when

eference, they will be placed on the waiting list in the
claimed preference. The exception to this is that if at
was only open to families who claimed that preference.
they were eligible for the first preference before they are
eference.

nal eligibility determination does not fall under the
was selected for income targeting purposes before
y will be returned to the waiting list.

rograms and Housing Choice Voucher [24 CFR

waiting lists. If the waiting list for the Housing
r Project-Based Voucher Program is open at the time an
her, the Housing Authority must offer to place the
grams.

ity may allow near-elderly families to occupy the units.
ad, spouse, or co-head is at least 50 years old but is less
ficient elderly families on the waiting list who wish to
development designated as a senior complex, near-

82.205(b)]

State or local housing subsidy, as determined by HUD,

f the following actions because an applicant has applied

the Housing Authority waiting list for tenant-based

e for which the applicant is currently qualified;

n the waiting list based on preference, date and time of
fecting selection under the Housing Authority selection

waiting list.

07(e)]

D of this chapter, will be used to select families from the
ces reflect local housing needs and priorities.

mission to the program and to ensure that those who
n that unit, the Housing Authority will utilize a point
ants with that same preference) to the top of the waiting
ority will then ensure that all applicants with the same

was denied and offer the applicant an opportunity for an
ance Supervisor or his/her designee. If the preference
or the applicant does not request a meeting, the applicant
enefit of the preference. Applicants may exercise other
minated against.

es false statements in order to qualify for any preference,

PURGING [24 CFR 982.204(c)]

y. The Housing Authority may notify applicants by mail
accurate. The mailing will ask for confirmation of

e a response will state that failure to respond within ten
e being removed from the waiting list. An extension of
if requested and needed as a reasonable accommodation

hout a forwarding address, the applicant will be removed
, and the envelope and letter will be maintained in the
ng address, the Housing Authority will make no more
tment letter to the new forwarding address before

g list for failure to respond, they will not be entitled to
pliance Supervisor or his/her designee determines there
ntrol.

sing Authority periodically.

od of thirty (30) days after completion of the purge.
period will be reinstated.

e) for various sized families when they are selected from
hority's procedures when a family's size changes or a
om the voucher.

factors such as family characteristics including sex, age, lso be given for medical reasons and the presence of a

signs one bedroom to two people within the following

uded in determining unit size only if they will be in the nonths.

erally be provided a separate bedroom. No additional ided for the attendant's family.

a child who is away at school but who lives with the sses.

her family members must be treated as a two-person be allocated zero or a one bedroom voucher depending not be provided for a family member, other than a me time, such as a member who is away in the military.

DETERMINING VOUCHER SIZE

Persons in Household	
Minimum Number	**Maximum Number**
1	2
1	4
2	6
3	8
4	10
6	12
8	14

dy Standards

d voucher than indicated by the Housing Authority's
t be made in writing within ten (10) days of the Housing
m size. The request must explain the need or justification
n verifying the need or justification will be required as

e a larger voucher due to additions of family members
ge, or court-awarded custody.

sons must be verified by a doctor, medical, or social

bedroom size designation, the family will be issued a
at the family is not penalized.

to the briefing by comparing the family composition to
ards. If an applicant requires a change in the voucher
e Housing Authority subsidy standards, the above

n the unit must be approved by the Housing Authority.
ny additional family member before the new member
s by birth, adoption, or court-awarded custody, in which
sing Authority within 30 days. The above referenced

n adjusted income at the time of lease up. The Housing
ayment standard for the number of bedrooms the family
f bedrooms in the unit, whichever is less. In cases where
t standard, it will be used as the payment standard.

fy the family of the circumstances under which an

y is under-housed in an accessible unit.

litional bedroom because of a health problem which has
ng Authority.

ave been unable to locate a unit within thirty (30) days.

32.402(c)
e dwelling unit than that listed on the voucher. There are

or a family under the Housing Authority subsidy standard
rogram is based on the Housing Authority's adopted
ndard for a family shall be the *lower of*:

ount for the family unit size; or
ount for the unit size rented by the family.

te the gross rent is based on the actual size of the unit the
authorized on the family's voucher.

	12
	14

deductions to be subtracted from annual income and how
ay affect the Total Tenant Payment (TTP). Income and
art 5, Subparts E and F, and further instructions set forth
the calculation of TTP is specific and not subject to
n this chapter address those areas which allow the
to develop standards in order to assure consistent
e determination of the TTP.

ncome minus any HUD allowable expenses and

nnual income:

amily member (other than the head or spouse) who are
e full-time students or who are disabled.

family for families whose head or spouse is 62 or over

d for all family members of an eligible elderly/disabled

care of children under 13 when child care is necessary
nd school, or actively seek employment.

ses: Deducted for attendant care or auxiliary apparatus
o enable the individual or an adult family member to

LOWANCE (MEID) FROM RENT DETERMINATIONS

ay not be increased as a result of increases in earned
n with disabilities beginning on the date on which the
nuing for a cumulative twelve (12) month period. After
mulative months of the full exclusion, annual income
ncome excluded from annual income.

red to above, the Housing Authority must exclude from
0) percent of any increase in income of a family member
of employment over income of that family member prior

to a lifetime forty-eight (48) month period for each
lities. For each family member who is a person with
or a maximum of twelve (12) months of full exclusion of
velve (12) months of phase-in exclusion during the forty-
ate of the initial exclusion.

plied after the forty-eight (48) month period following

ncome exclusion is a family that is receiving tenant-
Choice Voucher Program and must meet one or more of

as a result of employment of a family member who is a
was previously unemployed for one or more years prior

as a result of increased earnings by a family member
during participation in any economic self-sufficiency or

as a result of new employment or increased earnings of
n six (6) months after receiving assistance, benefits or
for TANF provided that the total amount over a six-
e qualifying TANF assistance may consist of any
tenance, and/or at least $500 in such TANF benefits and
vage subsidies and transportation assistance.

omic self-sufficiency or job training program and not
uch program.

nce is the amount of incremental increase in income of a
lities. The incremental increase in income is calculated
amily member's income before the beginning of
ed income to the amount of such income after the
rned income.

Deductions

ary to permit employment shall not exceed the amount of
ual income. Therefore, for families entitled to the earned
ll and phase-in exclusions from income shall not be
leductions.

on

ted on the HUD 50058 form. Documentation will be
ason for the reduced increase in rent.

ne was reported by the family

se earned income increased

l income (refer to Section B above)

l income (amount to be excluded)

rst excluded from annual income

d resumed during the initial cumulative twelve (12)
ny)

nt (48) months from the date of the initial earned income

king system to ensure correct application of the earned
Section C, “Reporting Interim Changes”, for increases

500(c)(8)(iv)]

stipend are not included in annual income. A resident
exceed $200 per individual per month) received by a
ousing Authority or owner, on a part-time basis, that
nent. Such services may include, but are not limited to,
nce, resident initiatives coordination, and serving as a
ing board. No resident may receive more than one such

plied to determine the annual income of families who
cher Program, and therefore does not apply for purposes
determination of income eligibility or any income

s to the Total Tenant Payment and includes the
nt and/or utilities when it is applied.

to Minimum Rent

ome circumstances even the minimum rent may create a
g Authority will review all relevant circumstances
n regarding financial hardship as it applies to the
s the Housing Authority’s procedures and policies in
as set forth by the Quality Housing and Work

result of the imposition of the minimum rent

creased because of changed circumstances, including:

ed by the Housing Authority or HUD

milies of Right to Hardship Exception

lies subject to minimum rents of their right to request a
ct to minimum rent" means the minimum rent was the
atest of thirty percent (30%) of monthly adjusted income,
mum rent or welfare rent.

n the calculation of Total Tenant Payment, Housing
otice regarding hardship request provided to the family

vise families that hardship exception determinations are
earing procedures.

ily requests for exception from the minimum rent due to

ceptions are required to be in writing.

entation as proof of financial hardship. The Housing
procedures to verify circumstances which have resulted

include a statement of the family hardship that qualify

on. During the minimum rent suspension period, the
um rent and the housing assistance payment will be
hority determines that the minimum rent is not covered
ose a minimum rent including payment for minimum rent

e hardship is temporary, a minimum rent will not be
ays from the date of the family's request. At the end of
m rent will be imposed retroactively to the time of

ent agreement to the family for any such rent not paid
Chapter 18, "Owner and Family Debts to the Housing
the payment agreement policy).

ere is a qualifying long-term financial hardship, the
from the minimum rent requirements for as long as the
inimum rent shall apply from the first day of the month
n.

family for any minimum rent charges which took effect
ne of the mandatory exceptions. If the family is owed a
will offset the family's future rent contribution
sing Authority owes the family.

ANENTLY ABSENT [24 CFR 982.54(d)(10),

pplicable income of every family member who is on the
absent. In addition, the Housing Authority must count

y absent is the sole member of the household, assistance
Housing Authority's “Absence of Entire Family” policy

to enter a facility such as hospital, nursing home, or
will seek advice from a reliable qualified source as to
the verification indicates that the family member will be
he family member will be considered permanently
family member will return in less than 180 days, the
nanently absent.

anently absent is the sole member of the household,
with the Housing Authority's “Absence of Entire

tus
from the home will be treated in the following manner:

spouse) who attends school away from home but lives
, at the family's choice, be considered either temporarily

rmanently absent, income of that member will not be
mber will not be included on the lease, and the member
oucher size.

than sixty (60) consecutive days, they will be
er of the household, other than the sole member, will be
ncarcerated for sixty (60) consecutive days, or one
month period**.**

when the family is absent from the unit, but has not
amily has moved out of the unit, the Housing Authority
n appropriate termination procedures contained in this

Authority and the owner before they move out of a unit
tion about any family absence from the unit.

y at least thirty (30) days before leaving the unit or no
e unit if they are going to be absent from the unit for

ted unit for more than ninety (90) consecutive days, the
e assistance will be terminated.

from the unit, the Housing Authority will not continue

s residing in the unit.

t from the unit, the Housing Authority may:

unit;

nd/or

xtension of time as an accommodation, provided that the
owed one hundred eighty (180) consecutive days limit.

n of assistance was due to a person's disability, and the
on was unable to notify the Housing Authority in

e attorney as to the status.

excess of stated period, the Housing Authority will state
s for that limited time or as long as they have custody of
se discretion as deemed appropriate in determining any
f of the children.

the unit, as a visitor, until a determination of custody is
r the voucher to the caretaker, in the absence of a court
or more than six (6) months and it is reasonable to

erson to reside in the unit as caretaker for the children,
nal disposition. The Housing Authority will work with
ndlord to provide a smooth transition in these cases.

a court order that restricts them from the home for more
on will be considered permanently absent.

who has been in the unit more than fourteen (14)
ty approval, or a total of thirty (30) days in a twelve (12)
ng in the unit as an unauthorized household member.

will be considered verification that the visitor is a

ord will be considered in making the determination.
ent residence for any purpose that is not explicitly
residence.

visitor rests on the family. In the absence of such proof,
orized member of the household and the Housing

o request Housing Authority approval to add any other
nd to inform the Housing Authority of the birth,
ld. The family must request prior approval of additional
family member is added, the income of the additional
me as applicable under HUD regulations.

pproval from the Housing Authority, any person the
nsidered an unauthorized household member. In the
e unit after the maximum allowable time, the family
writing within thirty (30) days of the maximum allowable

d for any additions to the household.

uire the family to obtain prior written approval from the
mposition other than birth, adoption or court awarded

uthority
on is both a HUD and a Housing Authority requirement.

he family must report this change to the Housing
s of the change and certify as to whether the member is

erim evaluation for changes which affect the Total
erim policy.

for a full twelve (12) months, the Housing Authority
vary to compute an annual income, or annualize current
ion if income changes.

checks for all adult members of families who report zero
ccounts open and payments current, the Housing
e possibility of fraud or program abuse (see “Program
e Plan).

n income, the Housing Authority will make inquiry of
e family’s accessible resources.

CONFINED TO NURSING HOME [24 CFR 982.54(D)

d to a hospital or nursing home and there is a family
Authority will calculate the income by using the
e figure which would result in a lower payment by the

y confined to the nursing home and give the family no
ned family member; or

y confined to the nursing home and give the family the
e person in the nursing home.

s
om persons outside the household are counted as income
t.

(6) months or more frequently will be considered a
s rent and utility payments made on behalf of the family
rovided on a regular basis. It does not include casual
7 “Verification Procedures” of this Administration Plan

verification from the agency responsible for enforcement

tion of child support or alimony collection action filed
nent/collection agency, or has filed an enforcement or
rney.

supply a certified copy of the divorce decree.

as inheritances, insurance payments (including
nce and worker's compensation), capital gains, and
are not included in income but may be included in assets.

rocessing periodic payments such as unemployment or
Lump sum payments from Social Security or SSI are
naining will be considered an asset. Deferred periodic
dispute will be treated the same as periodic payments
ing.

tive tenant rent that the family owes as a result of the

lculation method which calculates retroactively or
ircumstances.

ulate prospectively if the family reported the payment
actively to date of receipt if the receipt was not reported

l from lump-sum payments when computing annual
red a lump-sum compensation, and the recovery paid to
mount in full satisfaction of the attorney fees.

NDS - ASSETS

on funds are handled as follows:

, count as assets only the amounts the family can
ninating employment.

f employment, count any amount the employee elects to

FAIR MARKET VALUE [24 CFR 5.609(b)(3)]

disposed of for less than fair market value during the two
ion. The Housing Authority will count the difference
yment received in calculating total assets.

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

ld for counting assets disposed of for less than fair
assets disposed of within a one-year period is less than

3]

teen (13) years old may be deducted from annual income
hool full time, or to actively seek employment. In the
ly after-hours care can be counted as child care expenses.

ll be the adult member of the household who earns the

e may not exceed the number of hours the family
onable travel time to and from school.

al care providers in the community and collect data as a
eeds the guideline, the Housing Authority may calculate

whether or not to allow an item as a medical expense, IRS

ic care must be doctor recommended in order to be

d toward medical expenses for families who qualify if

n (Part D)

urance that covers both brand-name and generic
ies. Medicare prescription drug coverage provides
rug costs. Everyone with Medicare, regardless of
usage, will have access to prescription drug coverage

d assets will qualify, but family must enroll in a plan that
eeds.

e enrolled until their next recertification (through

IXED" FAMILIES [24 CFR 5.520]

any "mixed" applicant or participant family. A "mixed"
citizen or eligible immigrant and any number of

ining the amount of assistance payable if all family
the percent of the family members who actually are
gram are performed on the HUD 50058 form.

WELFARE PROGRAM REQUIREMENTS

rental contribution for families whose welfare assistance

nection with the welfare program;
mic self-sufficiency program; and/or
vities requirement.

ce the rental contribution if the welfare assistance

limit on receiving benefits;
ber has complied with welfare agency economic self-
uirements but cannot or has not obtained employment,

d with welfare program requirements, but the durational
ength of time a family can receive benefits, causes the
fits.

verification from the welfare agency stating that the
ud or noncompliance with economic self-sufficiency or
g the family's request for rent reduction.

ousing Authority, will inform the Housing Authority of:

elfare benefit reduction for the family;

mount of reduction.

EIMBURSEMENT PAYMENTS [24 CFR 982.517]
thority will provide families an allowance for tenant
chedule is used for all tenant-based programs.

ne cost of utilities not included in the rent. The
ilities and services paid by energy-conservative
size and type in the same locality. Allowances are not
gy consumption.

schedule and the utility allowance for an individual
es that are necessary in the locality to provide housing
dards.

y allowance for non-essential utility costs, such as costs

es in the utility allowance schedule according to the
, air conditioning, cooking, water heating, water, sewer,
(for tenant-supplied refrigerator), range (for tenant-
fied by HUD.

vill be provided throughout our jurisdiction. The air
d to families in the area when the Housing Authority has
conditioner in the unit.

e true and complete information to the Housing
e Housing Authority's verification requirements are
pter explains the Housing Authority's procedures and
assets, allowable deductions, family status, and changes
ill obtain proper authorization from the family before
.

may only provide EIV data to the individual to whom
provided to the minor's parent or guardian.

uthority's next choice is a written third-party
e by an applicant or resident.

ority may also use telephone verifications.

Authority will review documents, when relevant, to
r resident.

ffidavit, certification, or statement made under penalty of
Authority.

nd Supplemental Security Income (SSI) benefits of
through HUD's Enterprise Income Verification (EIV)
e the EIV system to verify SS/SSI benefits of current

household member are unable to provide the requested
ber to utilize one of the following options:

Proof of Income Letter from SSA's toll-free number at

ant, help the applicant request a benefit verification letter
ocialsecurity.gov. This service is free and SSA will send
n 10 days. To access the site for requesting benefit
ocial Security Online front page and select *What You*
nstructions for requesting a *Proof of Income Letter*.
ng questions and explain how the applicant should
eive it. Upon receipt, the applicant/household member
he original SSA benefit letter. The PHA should make a
the PHA file and return the original document to the
se the listed gross benefit amount to calculate annual

ilable in EIV due to identity validation error
ilable in EIV, reason unknown

n sixty (60) days old at the time of voucher issuance. For
y (120) days from the effective date of change.

tion directly with the source. Third-party written
rst class mail, electronic mail or fax. The family will be
ion source to release the specified information.

n the source are considered third party written

arried by the family to and from the third party source

ritten third-party verification is delayed or not possible.
vill be required to complete a "Third Party Oral
noting with whom they spoke, the date of the
ng Authority must originate the call. If oral third party
ty will go to the next method of verification, "Review of

cation is unavailable, or the information has not been
the Housing Authority will annotate the file accordingly
the primary source if the documents provide complete

ks, will be photocopied and retained in the applicant file.

noted:

is confirmed by phone)
eptable verification

il and faxed documents. The Housing Authority will
onfirmed over the phone.

ents have been accepted as provisional verification, and
l utilize the third party verification.

ing of an application beyond thirty (30) days because a
he verification in a timely manner.

verification or review of documents, families will be

t under penalty of perjury and must be witnessed.

ons qualifying a family for a local preference, such as an
ousing. Third-party certification will be required during

.230]
each family head and spouse, regardless of age will be
Information/Privacy Act form. In addition, family
uthorization forms when information is needed that is
rization for Release of Information/Privacy Act Notice.

elease of specific information will be provided with a

up with the family and other verification sources to
unreported or underreported income, the Housing
apter 17, “Program Integrity Addendum” of this

516]

hold. Zero income applicants and residents will be
y expense form at each certification or recertification.

ding high school students who are 18 or over.

ts disposed of for less than fair market value in the

allows an adult family member to be employed, is
t or to further their education.

l family members in household whose head or spouse is

es to include only those costs associated with attendant
or a disabled member of the family, which allows an
mployed.

of preferences, allowances or deductions.

migrant status.

all family members over 6 years of age or older who

32.516]

ng Authority will use to verify various types of income.

specify the following:

yment status and effective date of any known salary
nths

me, tips, bonus pay expected during next 12 months

tion include, in this order:

(EIV) System printout

completed by the employer.

ents, which indicate the employee's gross pay, frequency
.

urn forms.

x returns signed by the family may be used for verifying
income from tips and other gratuities. (For some self

tal Security Income (SSI), Disability Income

, in this order:

stem printout

gency providing the benefits.

ared and signed by the providing agency.

or in hard copy.

must be current and dated within 60 days of working up
n obtain current benefit verification letters by:

gov

, in this order:

on (EIV) System printout

by the Employment Development Department

ly obtained or in hard copy, from unemployment office
nounts

nce

ubs from court trustee. The Housing Authority must
f the check.

orney's Child Support Division

eement or a divorce decree stating amount and type of

ed and the likelihood of support payments being
ents are not being received.

e:

ompleted by parent provider or person paying the

ounts received by the welfare agency for child support.

ertifying that a collection or enforcement action has been

the amount(s) received.

le for enforcing payments to show that the family has

siness, the Housing Authority will view IRS and
se this information to anticipate the income for the next

:

esser period if not in business for six months) to project
family will be advised to maintain these documents in

alized from the business during previous years.

tax return or financial statement, an accountant's
e computed using straight-line depreciation rules.

ensed day care business, income will be verified as with

cash and carry" operation (which may or may not be
re that the applicant/participant complete a form for each
name of children who are being cared for, phone
being cared for, method of payment (check/cash), amount

ly will be required to provide it.

m reevaluations every ninety (90) days and require the
ation about customers and income.

rd-party verification form may be sent to the parent

which contains the following information:

port if information is received that indicates the family

Families who report zero income are required to
nety (90) days.

quired to provide information regarding their means of
ansportation, etc., by completing a Monthly Expenditure

checks for all adult members of families who report zero
ccounts open and payments current, the Housing
e possibility of fraud or program abuse (see “Program
e Plan).

n income, the Housing Authority will make inquiry of
e family’s accessible resources.

come of full-time students, other than head, co-head, or
ome.

ved by full-time students are not counted towards family
tatus includes:

s office or other school official.
or sufficient number of credits to be considered a full-
ion.

16]

, in this order:

eal estate broker, the buyer, or a financial institution
) months. A copy of the check paid by the buyer to the
own of interest and principal is shown.

t for the twelve (12) months following the effective date

vned by Family

, in this order:

Rental Income).

s, or other documentation of rent amounts.

ting expenses of the property: tax statements, insurance
tenance and utilities, and bank statements or amortization
t expense.

g rent payments to the family and family's self-
ted.

ormation necessary to determine the current cash value
amily would receive if the asset were converted to cash).
f the following:

ms, letters, or documents completed by a financial

unt statements, certificates of deposit, bonds, or financial

ng the selling price and the distribution of the sales

d as an investment.

ng assets or cash held at the family's home or in safe

Market Value (FMV) During Two Years
tion or Recertification

e Housing Authority will obtain the family's certification
assets for less than fair market value during the two
rtification or recertification.

ed of assets for less than fair market value, verification is
of for less than FMV, (b) the date they were disposed of,
the market value of the assets at the time of disposition.
herever possible.

CTIONS FROM INCOME [24 CFR 982.516]

eceives the payments is required. If the child care
e a statement of the amount they are charging the family

ovider's name, address, telephone number, Social
cared for, the number of hours the child care occurs, the
paid, including school and vacation periods. The family
y of those payments have been or will be paid or

stance Expenses

ial Security Administration of Medicare premiums to be
elve (12) months. A computer printout will be accepted.

n (Part D)

urance that covers both brand-name and generic
ies. Medicare prescription drug coverage provides
rug costs. Everyone with Medicare, regardless of
usage, will have access to prescription drug coverage

ssets will qualify, but family must enroll in a plan that

ally qualify.

l assistance) will be provided to eligible Medicare
excluded as income**.** The family may provide this
nority will need to do a third-party verification).

es for prescription drugs must be counted in the family's

y a monthly premium up to $37 which will be counted as
y pay the premium directly or it may be deducted

ey have enrolled until their next recertification (through

nal's certification that the assistance of an attendant is
n projection of the number of hours the care is needed for

medical expenses. The Housing Authority may use this
ses" such as non-prescription drugs and regular visits to
time nonrecurring expense.

rd mileage rate as published by the IRS, or cab fare, bus
verification of the cost of transportation directly related

BILITIES [24 CFR 5.611]

lgeable professional that the person with disabilities
e use of auxiliary apparatus to permit them to be
pendently or to enable another family member to be

ive reimbursement for any of the expenses of disability
ent received.

ceived from the family, frequency of receipt, and hours

opies of canceled checks family used to make payments.

ayments and maintenance expenses for auxiliary

is employed, a statement from the employer that the
ent.

rd
ntification card

erification of legal identity for minors may be one or

d, a third party who knows the person may, at the
written verification.

e certificate. Verification of a separation may be a copy
cords. Verification of divorce status will be a certified
rt officer.

ufficient verification of family relationships. In cases
may be asked to provide verification. The following
licable:

nes

f Family Member

ember of the household is reported permanently absent
onsider any of the following as verification:

action. Appropriate documentation from the court is

paration. Appropriate documentation from the court is

er obtained by one family member against another.

ch as utility bills, canceled checks for rent, driver's
f available.

ch as social services or a written statement from the
family member is no longer living at that location.

a document from the court or the correctional facility
be incarcerated. The Housing Authority may contact

sing Authority will accept a self-certification from the
, if the head is the absent member.

mposition

s in family composition (either reported or unreported)
rds, inspections, landlords, neighbors, credit data, school

f SSI or SSA disability payments under Section 221 of
velopmental Disabilities Assistance and Bill of Rights

re required to sign a declaration under penalty of
re citizens to provide documentation of citizenship.
least one of the following original documents:

termined by the Housing Authority

re required to sign a declaration of eligible immigration

us must sign a declaration of status and verification
migration documents which are copied front and back
uthority verifies the status through the U.S. Citizenship
verification fails to verify status, the Housing Authority
U.S. Citizenship and Immigration Services conduct a

m to be citizens or eligible immigrants must be listed on
gned by the head of household or spouse.

neligible members even though they are in the country
isa but their status will not be verified and they do not
ment of ineligible members.

er fails to sign required declarations and consent forms or
be listed as an ineligible member. If the entire family
mily may be denied or terminated for failure to provide

y covered program, it need not be repeated except that,
Housing Authority does not supply the documents, the
mination.

nents

sion of thirty (30) days for families to submit evidence of

migration

wing documents are acceptable unless changes are

-551)

-688 A or B)
ship and Immigration Services for issuance of
ocuments that shows individual's entitlement has been

tion of status. All documents in connection with U.S.
be kept five years.

family member has knowingly permitted another
e to reside permanently in the family's unit, the family's
ur (24) months, unless the ineligible individual has
mily's assistance.

ers [24 CFR 5.216]

sure, documentation and verification requirements.

or eligible immigration status (continues to be the

, the evidence consists of a signed declaration of
The HA must obtain verification of the declaration
. Passport, U.S. birth certificate, Employment
esident card or other appropriate documentation

ce of a signed declaration or eligible immigration
nt.

ements are not intended to apply to individuals in
ble immigration status under HUD's non-citizens
ng requirements relative to pro-ration of assistance
ze their eviction or denial of admission on the basis
aining social security numbers.

necessary must be obtained from a reliable,

FERENCES [24 CFR 982.207]
he Housing Authority

as proof of residency and veteran/active serviceperson
y for a local preference must be certified by a third-

bout to be displaced to avoid reprisals for providing
vestigation**:**

a law enforcement agency.

n law enforcement agency or HUD.

itical elements that are inaccessible, and that the owner
ifications, or permit the family to make the

rity to verify inaccessibility of critical elements.

ding that the accommodations required will not be made.

ke the modifications, verification that the family cannot

ject:

ousing:

spector and/or certification by landlord.

ired to work in the jurisdiction of the Housing Authority.
dent, the Housing Authority will require a minimum of
receipts, leases, utility bills, employer or agency records,
stration records, credit reports, statement from
g. For families who have been hired to work in
tement from the employer will be required.

er or other proof of eligibility for Social Security
e will be acceptable.

road description of owner and family responsibilities,
a unit. The family will also receive a briefing packet
the program including the benefits of moving outside
chapter describes how briefings will be conducted, the
the policies for how changes in the family composition

her designee. Briefings will be conducted in English.

w the program works and the documents in the voucher
fully informed about the program. This will enable them
nd it will prepare them to discuss it with potential owners

cher to a family unless the household representative has
Applicants who provide prior notice of inability to
duled for the next briefing. Applicants who fail to attend
notification and approval of the Housing Authority, may
pply information needed for certification. The Housing
for families with disabilities at their home, upon request
commodation.

n the briefing packet for the voucher program will
ousing Authority also includes other information and/or

nformation and materials:

using Authority policy for requesting extensions or
to as tolling).

calculate the housing assistance payment for a family,
y determines the payment standard for a family; how the
aximum allowable rent for an assisted unit, how the
enant payment for a family and information on the

y lease a unit. For a family that qualifies to lease a unit
iction under portability procedures, the information must
bility works, including a list of neighboring housing

o Live" on how to select a unit that complies with HQS.

int entitled "Protect Your Family from Lead in Your

cal equal opportunity laws and a copy of the housing
Housing Authority will also include the pamphlet "Fair
information about fair housing laws and guidelines. The
ants who claim discrimination a copy of HUD Form 903

lling to lease to assisted families or help in the search
ucher issued. The list includes landlords or other parties
families find units outside areas of poverty or minority

lisabilities, notice that the Housing Authority will
ble units and a list of available accessible units known to

gram.

Authority may terminate assistance for a participant
ilure to act.

procedures including when the Housing Authority is
the opportunity for an informal hearing, and how to

Authority's outreach program which assists families who
iculty in obtaining available housing units in areas
tions.

fter due consideration.

n and its advantages.

lisabilities, the Housing Authority will ensure
re effective communication.

o participants who will be reissued a voucher to move,
st one hundred twenty (120) days, and have given notice
iefing may include incoming portable families.

rospective owners are also welcome at the tenant
assure successful owner participation in the program.
roles of the three parties.

EAS WITHOUT LOW INCOME OR MINORITY

search for housing in non-impacted areas and the
to families who wish to do so.

l analyze when voucher holders are experiencing
nits outside areas of concentration.

cludes:

ord form to gather and record information

in various non-impacted areas

d will be issued a voucher which represents a contractual
and the family specifying the rights and responsibilities
ion to the program which occurs when the lease and
valid for a period of at least sixty (60) calendar days
submit the Request for Tenancy Approval (RTA) and a
60) day period unless an extension has been granted by

ucher in one or more increments. Unless approved by the
signee, no more than two (2) thirty (30) days or less will
n one hundred twenty (120) days. If as a reasonable
sion in excess of one hundred twenty (120) days, the
t on a case by case basis.

an extension of the voucher time period. All requests for
piration date of the voucher. Extensions are permissible
up to a maximum of an additional sixty (60) days

ospitalization or a family emergency for an extended
e family's ability to find a unit within the initial sixty (60)

at the family has made a reasonable effort to locate a
e of the Housing Authority, throughout the initial sixty
record is required.

ng a unit due to disability accessibility requirements or a
irement. The search record is part of the required

during their search may contact the Housing Authority
rs will be notified at their briefing session that the
listing of available units and how the updated list may

with negotiations with owners and provide other
housing.

the family is required to maintain a search record and
teen (14) days.

FOR SPLIT HOUSEHOLDS [24 CFR 982.315]

nder the Housing Choice Voucher program becomes
due to divorce, legal separation, or the division of the
as to which new family unit should continue to receive
n by a court, the Director of Rental Assistance or his/her
rs to determine which of the families will continue to be

as custody of the dependent children.

of household when the voucher was initially issued

nits, and which unit contains elderly or disabled

lved in the breakup.

the tenant family, the person must have been previously
ving in the unit.

member of the family and will not be considered a

ceive assistance as a remaining family member:

cipated minor status to the minor.

erified that social services and/or the Juvenile Court has
ght into the assisted unit to care for the children for an

re a reduction in the voucher family unit size.

rch for a unit anywhere within the jurisdiction of the thority's jurisdiction if they qualify for portability. The m rules, with an owner/landlord who is willing to enter act with the Housing Authority. This chapter defines the s policies which pertain to initial inspections, lease ing of the Request for Tenancy Approval (RTA).

e Plan)

rovable

ble in accordance with State or local law

vith HUD and Housing Authority requirements (see

here are no conflicts of interest (see Chapter 16, “Owner

y initially receives assistance (new admissions and
ls the applicable payment standard for the family, the
ercent (40%) of the family monthly adjusted income
onableness and Payment Standards”).

Approval (RTA)

e RTA cannot be approved for any reason, the landlord

he Housing Authority will furnish another RTA form to
val so that the family can continue to search for eligible

ended while the RTA is being processed.

by any person with an interest in the unit, other than
ed above

ons that provide care

onal housing

bited by HUD

TIVES [24 CFR 982.306 (d)]

Housing and Urban Development (HUD) has limited
an lease a unit to relatives under the Housing Choice
ew admissions and to transfers. The Housing Authority
ated to any of the tenant's family members in one of the

se, particularly noting the approvability of optional
nd State and local law. The tenant also must have legal
cal law. Responsibility for utilities, appliances and
provided on the RTA.

ard form lease used in the locality by the owner and that
ts in the premises. The terms and conditions of the lease
. The lease must specify:

nant

(including apartment number, if any)

t to owner

be supplied by the owner and what utilities and
y the family

addendum must be included in the lease word-for-word

lease must include the Lead Warning Statement and
35.92(b).

to the lease provided they do not violate any fair housing
ncy addendum.

proved leasing of the unit in accordance with program

e applicable payment standard for the family, the
nine that the family share (total family contribution) will
(40%) of the family's monthly adjusted income

east one year. The Housing Authority may approve a
y determines that:

housing opportunities for the tenant

g local market practice

ner may not raise the rent to owner.

egal side agreements. Families and owners will be
yments for additional rent, or for items normally
or for items not shown on the approved lease.

agreements for services, appliances (other than range
ot included in the lease if the agreement is in writing and

ich are routinely provided to unassisted families as part
washer or garage) or are permanently installed in the unit,

parate agreements for modifications to the unit for
s are usually within the dwelling and are critical to the

5(a) & (b)]

ds and Inspections" in this Administrative Plan.

ination as to the reasonableness of the proposed rent in
ease on the private unassisted market, and the rent
ssisted unit in the building or premises.

nce payment from the Housing Authority, the owner
han rent charged by the owner for comparable
r is required to provide the Housing Authority with
the owner on the premises or elsewhere.

owner may not be more than the most current reasonable
using Authority.

tract rent is not reasonable and at the family's request,
he owner to reduce the rent to a reasonable rent. If the
are would be more than forty percent (40%) of the
using Authority will negotiate with the owner to reduce
.

rity will negotiate with the owner to reduce the rent or
nt to owner. If the rent can be approved after
Authority will continue processing the RTA. If the

witness protection.

that it is the responsibility of the landlord to determine
ers will be encouraged to screen applicants for rent
viction history, respecting the rights of other residents,
vity or other criminal activity that is a threat to the
mpliance with other essential conditions of tenancy.

licy on release of information to prospective landlords
ch is provided to the family.
nented information regarding tenancy history for the past
n written request from the landlord (if such information
e Housing Authority may provide the following
possession:

g.

ormation. The Housing Authority's policy on providing
iefing packet and will apply uniformly to all families and

06]
Restriction."

(TTP) PRIOR TO HAP EFFECTIVE DATE
that will affect the total family share prior to the
ayment (HAP) contract at admission, the information will
e recalculated. If the family does not report any change,
verifications before signing the HAP Contract, even if
old.

f their residence (not a Post Office box). If families
ner's current address will be compared to the subsidized

Tax Identification number or Social Security number.
number and business number if applicable. A driver's
e requested. Owners must also submit proof of
Deed or Tax Bill, and a copy of the Management
management agent.

ne 17, 1998, a family may not lease properties owned by
ter or brother of any family member. The Housing
asonable accommodation for a family member who is a

ler contract at least annually. The Housing Authority
uality control inspections on the number of files required
nt Assessment Program (SEMAP) annually to maintain
o assure consistency in the Housing Authority's
hority's procedures for performing HQS and other types
for the timeliness of repairs. It also explains the
consequences of non-compliance with HQS
use of the term HQS in this Administrative Plan refers to
ority requirements. (See the additions to HQS listed
eptions to HQS" later in this chapter.)

ant or owner (whomever is responsible for the utilities
turned on. The Inspector will schedule a re-inspection.

e stove and/or the refrigerator, the stove and/or
re the inspection.

sing Authority will perform:

eipt of Request for Tenancy Approval
welve months of the last annual inspection
owner, family, an agency or a third-party

2.401(a), 982.305(b) (2)]

asonable effort to conduct initial HQS inspections for the
efficient and indicative of good customer service. The
the average time required for a family and owner to
A is submitted by the family and owner to the Housing

t, determine whether the unit satisfies the HQS and
nation within 15 days unless the Housing Authority
stated timeframe, in which case the file will be

review of files that the average time for a family and
ger than 15 days, the Housing Authority will review

y meet the HQS defined in this Administrative Plan.

mily must select another unit. The owner will be
pair work to be completed.

982.405(a)]

tion in accordance with HQS at least annually, as
nay be scheduled between anniversary dates. HQS
be corrected by the landlord, unless it is a deficiency for

ity to inspect the unit at reasonable times with
spections will be conducted on business days only.
are between 7:00 a.m. and 5:00 p.m. The Housing
or by phone at least 24 hours prior to the inspection.

ate and time of the inspection appointment by mail
present, they must reschedule the appointment so that the
lays.

ointments, the family has violated a family obligation
ccordance with the termination procedures in this

e of the re-inspection appointment by mail. If the family
ment, a card will be left at the unit and another
he appointment letter contains a warning of abatement
notice of the owner's responsibility to notify the family.

ly's health or safety must be corrected by the owner
gency Repair Items" section G).

made within 30 days.

ve an extension beyond 30 days.

hundred twenty (120) days of a special inspection, and as
uded in an annual inspection, the special inspection will
cedures will be followed.

CFR 982.405(b)]

ned by the Director of Rental Assistance or Compliance
by SEMAP. The purpose of Quality Control inspections
ting accurate and complete inspections, and to ensure
in application of the HQS.

completed inspections (within the prior three (3)
and a cross-section of inspectors.

PTIONS TO HQS [24 CFR 982.401 (a)]

ptability criteria in the program regulations with local

aring disabilities. One smoke detector for the hearing
ehold per the following criteria:

room of the hearing impaired person and hardwired to

tors must meet the following qualifications:
nt

ndlord or tenant certification that the appropriate criteria

ments may be requested.

re-pressure relief valve and discharge line (directed
ing area) as a safeguard against build up of steam if the
e pipes must be made of rigid pipe material (not garden
ters shall be anchored or strapped to resist horizontal
on. Strapping shall be at points within the upper one-
ance's vertical dimensions. At the lower point, the
distance of 4 inches above the controls.

unsafe conditions for the family. The Housing Authority
und the pool or other safety devices be installed to ensure

equested to install, repair or remove a fence.

mailbox where the U.S. Postal Service officially delivers

rs to measure the family's consumption if they are to be
s, such as gas, water and electricity. The owner will be
its with centralized meters.

982. 404]

mergency nature and must be corrected by the owner or
nty-four (24) hours of notice by the inspector:

ger of falling

t in shock or fire
below 50 degrees Fahrenheit and temperature inside unit

e injured
rance or exit

xtension (not more than 48 additional hours) whenever
it is impossible to correct the repair within the twenty-

potential of fire or other threat to public safety, and the
impossible to make the repair, proper authorities will be

ected in the time period required by the Housing
housing assistance payment will be abated and the HAP

, impaired person as specified in NFPA 74 (or successor

erly the Housing Authority will contact the owner by
moke detector within 24 hours.

e family has purposely disconnected the smoke detector
family will be required to repair the smoke detector
will re-inspect the unit the following day.

warning to any family determined to have purposely
e warning will state that deliberate disconnection of the
azard and is considered a violation of the HQS.

SIBLE (NON-EMERGENCY ITEMS)

the program fails to meet HQS, and the owner is
epair(s) in the time period specified by the Housing
ated.

**cies by the time specified by the Housing Authority,
abate housing assistance payments.** No retroactive
e period of time the rent was abated and the unit did not
t states that the tenant is not responsible for the Housing
Owner rents are not abated as a result of HQS violations

he Housing Authority has determined that the owner has
ciencies and is unable to do so for reasons beyond the

ment.

ails to correct all the deficiencies cited prior to the end
sent a HAP Contract Proposed Termination Notice. Prior
abatement will remain in effect.

e termination date, the termination may be rescinded by
s to remain in the unit**.**

[24 CFR 982.404]
e responsibility of the family:

-supplied appliances.

ed by a household member or guest beyond normal wear
defined as items which could not be charged against the
aw or court practice.

HQS violations.

SIBLE [24 CFR 982.404(b)]
termined to be the responsibility of the family, the
make any repair(s) or corrections within thirty (30) days.
e in this time period, the Housing Authority will
viding an opportunity for an informal hearing.

l by the Director of Rental Assistance or his/her
ted for items which are the family's responsibility. If the
t made, the HAP Contract will terminate when

itioned to the Housing Choice Voucher Program on or
s for the Housing Choice Voucher Program are described
is specific and is not subject to interpretation.

nableness in accordance with 24 CFR 982.507(a). It is
hat the rents charged by owners are reasonable based
, using the criteria specified in 24 CFR 982.507(b).

ocedures for determination of rent-reasonableness,
standards, and rent adjustments.

CFR 982.451]

ousing Authority begins processing payments to the
basis for monitoring the accuracy and timeliness of
to the HAP register for the following month. Checks
nt to the owner each month. Checks may be picked up by
ks will only be disbursed on the first working day of the
pproval of the Director of Rental Assistance in cases of

laced until a written request has been received from the
the check.

HAP to the owner may not be more than the rent to
any excess payment to the Housing Authority.

s will be subject to penalties as outlined in Chapter 18,
uthority" in this Administrative Plan.

assistance payments to the owner promptly and in

o the owner for housing assistance payments that are not
ay of the month, if requested by the owner. Any such
y will be equal to, but not greater than, the established
or late payment.

f the first of the month falls on a weekend or legal
the following business day.

ayment penalties.

d to pay any late payment penalty if HUD determines
he Housing Authority's control, such as a delay in the
Housing Authority will use administrative fee income or
urce for late payment penalty. The Housing Authority
ment of late fee penalties to the owner.

TIONS [24 CFR 982.507]

document on a case-by-case basis that the approved rent
er comparable unassisted units in the market. This

lease until it is determined that the initial rent to owner is
nust re-determine the reasonable rent before any increase
ercent (5%) or greater decrease in the published FMR in
niversary (for the unit size rented by the family) as
before the contract anniversary.

rent reasonableness if directed by HUD and based on a
auditing system. The Housing Authority may elect to
er time. At all times during the assisted tenancy, the
le rent as most recently determined or re-determined by

g each monthly Housing Assistance Payment, they will
ore than rent charged by the owner for comparable
equested, the owner must give the Housing Authority
for other units in the premises or elsewhere. The
nation on the owner's units elsewhere if the Housing
owner has a tendency to charge higher rents to program
eness comparables.

ne Housing Authority of the County of San Joaquin
ne Housing Authority's rent reasonableness system.
ents are identified for units of like size and type within
of the items listed above on the unit to be assisted will be
, to those factors of comparable unassisted units in the
or down based on the dollar value of all HUD required
otal database.

CHER PROGRAM [24 CFR 982.503]

he housing assistance payment for a family. In
e Housing Authority's discretion, the voucher payment
hority between ninety percent (90%) and one hundred ten
Market Rent (FMR). This is considered the basic range.
riateness of the payment standard annually when the
a change is needed, the Housing Authority will ensure
the range of ninety percent (90%) and one hundred ten
exception payment standard has been approved by

gle voucher payment standard amount for each FMR area
r each FMR area, the Housing Authority will establish
ize". The Housing Authority may have a higher
ority's jurisdiction if needed to expand housing
overty concentration, as long as the payment standard is
ndred ten percent (110%) of FMR range.

ual adjusted income for rent.

in the Housing Authority's jurisdiction have payment
dens for families, the Housing Authority will modify its
sizes.

yment standard within the basic range for those
entage of annual income that participant families in the
g.

arate voucher payment standard, within the basic range,
letermines that a higher payment standard is needed in
with quality housing choices and to give families an
poverty and low income.

below the Payment Standard

reasonableness data and vacancy rate data to determine
units below the payment standard.

lity of units selected by participant families when
income families are paying for housing, to ensure that
when needed to reach the mid-range of the market.

lity and size of units where the rents to owner are above
-five percent (25%). If more than fifty percent (50%) of
or have selected larger units than the voucher size, the
e the payment standard nor continue the analysis.

ority will divide those rents between contracts within the
ts to owner are more than twenty-five percent (25%)
e Housing Authority will continue the analysis. If not,
rease the payment standard for certain bedroom sizes.

ard should be lowered. In any case, the payment
nt (90%) of the FMR without authorization from HUD.

e Housing Authority may review the budget to determine
ld have on funding available for the program and

ll compare the number of families who could be served
umber assisted under current payment standards.

hority for at least three years to document the analysis
ayment standard was changed.

based assistance.

n Act under Title IV, Section 408, allocating funds for
rivately held affordable multi-family housing
yment of a mortgage or voluntary termination of a
248.165.

e eligible to receive and enhanced payment standard
ects. The enhanced payment standard will be applicable
xceeds the applicable Housing Authority payment
l continue as long as the family resides in covered

enhanced voucher assistance have a special statutory
ew enhanced voucher minimum rent will be the greater
ed income the family paid for gross rent on the effective
) of the family's current adjusted monthly income. If the
a significant extent, (15% or more from the gross family
es from an actual dollar amount to a specific percentage

ILY PAYMENT STANDARD

family an enhanced voucher based on the subsidy
the family is presently occupying. If an appropriate size
make a good faith effort to locate a unit outside the

he Housing Authority's policy for conducting annual re-
It also explains the interim reporting requirements for

when families move to another dwelling unit, an annual
ecertification has occurred in the last one hundred
will be changed). Income limits are not used as a test

xamination tracking system and the household will be
eir interview at least ninety (90) days in advance of the
modation by a person with a disability, the Housing
essible format. The Housing Authority will also mail the
nable accommodation for a person with disabilities.
on verification that they meet the need presented by the

ducting annual re-certifications will be:

tments and mail a notification to the family.

the family to change the scheduled date and time of
ing.

n

ifications for families completed before the anniversary
any changes in rent at least thirty (30) days before the
.

come to the Housing Authority's office will be granted

Recertify

amily members are required to attend the interview. The
ment date up to twenty-four (24) hours prior to the

fication interview, and has not rescheduled or made prior
the Housing Authority will reschedule a second

appointment, and has not rescheduled or made prior
end the family a notice of termination and offer them an

d to the Housing Authority with a forwarding address,
han two (2) attempts to forward the appointment letter to

y the Director of Rental Assistance or his/her designee,
ency situation that prevented them from canceling or
s a reasonable accommodation for a person with a

ly

Housing Authority will include instructions for the family

me for all family members

owances

d by head of household
ial security cards for new family members
ipts

cholarship must provide 3rd party verification of

d-party verification, all amounts anticipated to be
2-month period following admission and the effective

of the college student's Form 1040EZ, 1040, or 1040A
l check the box that asks whether the student's parents
ir tax return (see box "5" for Form 1040 EZ and box
A may also, if practicable, review the college student's
ge student must supply any information that the PHA or
ation of public housing, voucher, or certificate programs

stance from federal and state grants and/or loans,
gram wages paid directly to the student or the
e determination of annual or adjusted income (24 CFR

y notice is mailed to the family prior to the scheduled

efore the scheduled effective date of the annual
be effective on the first of the following month.

aterial omission by the family, or if the family causes a
e will be a retroactive increase in rent to the scheduled

ive on the anniversary date. If the family causes a delay

tus of additional family members must be declared and recertification after moving into the unit.

ne date of the annual recertification. An interim es with zero or unstable income every ninety (90) days.

than those listed in this section will be noted in the file ot be processed between regularly scheduled annual re-

ases in income/assets within thirty (30) days of the

terim reexaminations when families have an increase in Participants in the Family Self Sufficiency program are ne will generate a change in their escrow balance.

ne and other changes which would reduce the amount of es or deductions. The Housing Authority must calculate ted.

will be made effective the first day of the month as reported, if the change was reported in writing on or If reported after the fifteenth (15th) day of the month, ent will be effective on the first day of the second month

on error at admission to the program or at an annual

t on receiving benefits

nplied with welfare program requirements but cannot or

th welfare program requirements, but the durational time
e time a family can receive benefits, causes the family to

families that they have the right to an informal hearing

me”

received by a family, as a result of a specified welfare
mily’s income for purposes of determining rent.

determined by the Housing Authority, based on written
rity by the welfare agency, including:

nount of the benefit reduction.

e imputed welfare income, as determined at the family's
e term of the welfare benefits reduction (as specified by
ed welfare income will be offset by the amount of
commences after the sanction was imposed. When
least equal to the imputed welfare income, the imputed

to the Housing Authority regarding welfare sanctions.
ousing Authority, will inform the Housing Authority of

e benefit reduction for the family;

nt of reduction.

d Welfare Income

ed income and the Housing Authority denies the family's
Authority will provide the tenant with a notice of denial,

hority's determination of the amount of imputed welfare

est an informal hearing.

eived from the welfare agency cannot be disputed at the
examined at the informal hearing will be the Housing
ount of imputed welfare income, not the welfare agency's
benefits.

613]

ration agreement in place with the local welfare agency
aining the necessary information regarding welfare

approach in creating an effective working relationship
al welfare agency for the purpose of targeting economic
ommunity that are available to HCV participants.

ncy have mutually agreed to exchange information

ast for twelve (12) consecutive months, the
y time within the forty-eight (48) month period, and
pplied for a total of twelve (12) months of each
full exclusion and the second twelve (12) month phase-

period beginning on the date a member who is a person
t employed or the family first experiences an increase in
the Housing Authority will exclude from annual income
e of the family member who is a person with disabilities
come of that family member.

Phase-in

month period after the expiration of the initial
red to above, the Housing Authority must exclude from
0) percent of any increase in income of a family member
of employment over income of that family member prior

to a lifetime forty-eight (48) month period for each
lities. For each family member who is a person with
or a maximum of twelve (12) months of full exclusion of
velve (12) months of phase-in exclusion during the forty-
ate of the initial exclusion.

plied after the forty-eight (48) month period following

ncome exclusion is a family that is receiving tenant-
Choice Voucher Program and must meet one or more of

f employment of a family member who is a person with

e than the equivalent earnings for working ten (10) hours
um wage. Minimum wage is the prevailing minimum

ufficiency program is: any program designed to
ic independence of assisted families or to provide work
ude job training, employment counseling, work
English proficiency, workfare, financial or household
program necessary to ready a participant to work (such
ent).

e increases of a family member who is a person with
omic self-sufficiency or job training program and not
e program.

nce is the amount of incremental increase in income of a
lities. The incremental increase in income is calculated
amily member's income before the beginning of
ed income to the amount of such income after the
rned income.

Deductions

ary to permit employment shall not exceed the amount of
ual income. Therefore, for families entitled to the earned
ll and phase-in exclusions from income shall not be
leductions.

on

ted on the HUD 50058 form. Documentation will be
ason for the reduced increase in rent.

of twelve (12) months of the initial exclusion

began

uring the second cumulative twelve (12) month period

of twelve (12) months of the phase-in exclusion

month, four (4) year disallowance period which is
initial earned income disallowance

king system to ensure correct application of the earned
Section C, Reporting Interim Changes, for increases in

plied to determine the annual income of families who
cher Program, and therefore does not apply for purposes
determination of income eligibility or any income

RTIFICATIONS [HUD NOTICE PIH 98-6]
nd transmitted as required by HUD.

owner and the tenant. Signatures are not required by the
with the rent adjustment, they may request an informal

INCOME (AND ASSETS) [24 CFR 982.516(c)]
hanges
es report interim changes to the Housing Authority
occurs. Any information, document or signature needed

e rent will be made effective the first day of the month
ange was reported, if the change was reported in writing
f the month. If reported after the fifteenth (15th) day of
enant portion of rent will be effective on the first day of
as reported. However, no rent reductions will be
n verified, even if a retroactive adjustment results.

party verification is received.

Reported by the Family in a Timely Manner

described under timely reporting, the family will have
n reexamination processing and the following guidelines

ve retroactive to the date it would have been effective
s. The family will be liable for any overpaid housing
gn a repayment agreement or make a lump sum payment.

e rent will be made effective the first day of the month
ange was reported, if the change was reported in writing
f the month. If reported after the fifteenth (15th) day of
enant portion of rent will be effective on the first day of
as reported.

Processed by the Housing Authority in a Timely

the change goes into effect on the date it should when
anner. If the change cannot be made effective on that
using Authority in a timely manner.

ter the required thirty (30) days notice prior to the first
g by the Housing Authority.

U.S. citizen or has eligible immigrant status; and

the head, the spouse, parents of the head or the spouse,
e citizens or eligible immigrants. The family may change
er this provision.

d assistance after November 29, 1996, may receive

CUMSTANCES

s the information on which eligibility or tenant rent is
minate assistance and may refer the family file/record to
sition.

82.314, 982.552(a)]

ing the initial year of assisted occupancy.

re than once in a twelve (12) month period.

on to move if there is insufficient funding for continued

on to move if:

gation.

rity money and is in arrears or has defaulted on a

l a voucher within the last twelve (12) months.

her designee may make exceptions to these restrictions if over which the participant has no control.

2.314]

the discretion of the Housing Authority, if the family has dred twenty (120) days, the Housing Authority will issue recertification.

ey may remain in the current unit so long as the owner

nged to coincide with the new lease-up date.

sponsibility to give the owner and the Housing Authority .

or into the Housing Authority's jurisdiction within the

2.353, 982.355]

d this policy, a participant family has the right to receive
unit outside the Housing Authority's jurisdiction,
iction of a Housing Authority with a tenant-based
outside of the Housing Authority's jurisdiction, the
family wants to move.

ly notify the receiving Housing Authority to expect the
ousing Authority contacts the receiving Housing
by telephone, fax or electronic mail. Simply referring
ation on the receiving Housing Authority's address does
Housing Authority under the program regulations. The
the family how to contact and request assistance from
elephone number of the staff person responsible for
, and any procedures related to appointments for voucher
with the initial Housing Authority). The revised HUD
itial Housing Authority uses to identify the Housing
hority is referring the family.

y in the area in which the family has selected a unit, the
uthority.

sing Responsibilities / Restrictions on Portability

le (legal residence) in the Housing Authority's
cation for assistance, the family will not be permitted to
a voucher, unless the Housing Authority approves such
local government.)

nily obligation
ousing Authority
ssisted unit in violation of the lease

2.355]

y with a valid voucher from another jurisdiction and
stering, the family will be issued a “portability” voucher
voucher will not expire before the expiration date of any
nily must submit a Request for Lease Approval for an
ority during the term of the receiving Housing Authority
may grant extensions in accordance with this
ly decides not to lease-up in the Housing Authority's
ousing Authority to request an extension.

oming portable families provided that there is funding

orb the incoming voucher, it will administer the initial
ving Housing Authority's policies will prevail.

t be income eligible in the area where the family initially
ram.

re-determine eligibility for a portable family that was
ousing Authority Housing Choice Voucher Program.

bility” voucher according to its own subsidy standards. If
ion which would change the voucher size, the receiving
er size based on its own subsidy standards.

f Incoming Portables [982.353(d)]

ousing Authority will conduct a recertification interview

nancy Approval (RTA), it will be processed using the
does not submit a - RTA or does not execute a lease, the
within sixty (60) days by the Housing Authority.

using Authority will notify the initial Housing Authority
ss will commence.

al Housing Authority if the family fails to submit a
the voucher.

to the family, the Housing Authority will notify the
days and the family will be offered a review or hearing.

ly of its responsibility to contact the initial Housing
side the Housing Authority's jurisdiction under continued

ogram functions applicable to the tenant-based assistance

ome and composition.

d or deemed necessary by the Housing Authority.

al Housing Authority in writing of any termination of
mination. If an informal hearing is required and is
e conducted by the Housing Authority, using the regular
istrative Plan. A copy of the hearing decision will be

ility.

nd verifications of:

gibility and rent payments.

for billing purposes.

ng Authority will bill the initial Housing Authority
The billing cycle for other amounts, including
be monthly unless requested otherwise by the initial

e Housing Assistance Payment, 100% of special claims
initial Housing Authority's rate) for each “portability”
nth.

al Housing Authority of changes in subsidy amounts and
notify the Housing Authority of changes in the

lines

dlines under the portability billing procedures.

ount (Part II of the Form HUD 50058): The Housing
ing notice (1) no later than 10 working days following
ecuted and (2) in time that it will be received no later
ation date of the family’s voucher issued by the initial

: The initial Housing Authority makes payment within
e HUD Form 50058 indicating billing amount.

e contract for the new unit may begin during the month
it.

ES [24 CFR 982.314(c)(2)]
accordance with the terms of the lease.

OWNER: EVICTIONS [24 CFR 982.310, 982.455]
the owner must provide proper notice as stated in the

y not terminate the tenancy except for any of the

e lease, including but not limited to failure to pay rent or
or repeated violation of the terms and conditions of the

l law that imposes obligations on the tenant in
use of the premises.

ty on or off the premises by a covered person that
to peaceful enjoyment of the premises by the other
mmediate vicinity of the premises, or property

y member of the household, a guest or another person
tens the health, safety or right to peaceful enjoyment of
, or persons residing in the immediate vicinity of the
nal activity on or near the premises.

covered person on or near the premises.

d new lease

ten notice of termination and must have good cause to
The owner's notice must state the reason for
ease, the owner may terminate tenancy without cause.
ombined with, any owner eviction notice to the tenant.

o vacate, or a complaint under State or local law to

rity requires that the owner specify the section of the
r all of the ways in which the tenant has violated that
Authority's decision regarding termination of assistance.

e owner under the terms of the HAP Contract. If the
ontinues to reside in the unit, the Housing Authority must
ents to the owner until the owner has obtained a court
ner to evict the tenant.

ng assistance payments until the family moves or is

must provide the Housing Authority with the
-out date.

ing housing assistance payments to the owner in
tenant continues to occupy the unit and the contract is
ck from the Housing Authority, the owner certifies that
onable and they are in compliance with the contract.

ated violation of the lease, and if the Housing Authority
istance, the Housing Authority may issue a new
ontinued assistance.

e tenancy for illegal drug use or alcohol abuse, the owner

rug use or alcohol abuse
ised drug or alcohol rehab program
bilitated

t evidence of any of the three above.

ontinued tenancy for other family members, a
icipated in or were culpable for the action or failure must
on by the owner must be consistent with the fair housing
R 5.105.

HOUSING AUTHORITY
982.552(a)(3)]
hen the lease terminates, when the Housing Authority
y, and when the owner has breached the HAP contract
Restriction").

the contract if:

heir family obligations.

a unit when the unit does not meet the HQS space
amily size or a change in family composition.

the Annual Contributions Contract.

cally if one hundred eighty (180) days have passed since
o the owner.

nd the grounds for termination of assistance under an

ly must be true and complete.

S breach caused by the family in accordance with 24

Authority to inspect the unit at reasonable times and after

ous or repeated violations of the lease.

d, at the same time, notify the Housing Authority before
erminates the lease upon notice to the owner.

Housing Authority a copy of any owner eviction notice.

for residence by the family. The unit must be the

ly residing in the unit must be approved by the Housing
inform the Housing Authority of the birth, adoption or
e family must request Housing Authority approval to
ccupant of the unit.

Housing Authority if any family member no longer

pproval, a foster child or a live-in aide may reside in the
pproval or Housing Authority approval is denied, the
r live-in aide to reside with the assisted family.

y interest in the unit except families participating in the

commit fraud, bribery or any other corrupt or criminal
ousing programs.

not abuse alcohol in a way that threatens the health,
of other residents and persons residing in the immediate

gage in drug-related criminal activity or other violent
alth, safety or right to peaceful enjoyment of other
immediate vicinity of the premises.

e family, may not receive Housing Choice Voucher
ng another housing subsidy, for the same unit or for a
(as determined by HUD or in accordance with HUD
housing assistance program.

engage in threatening, abusive, or violent behavior
.

[24 CFR 982.552, 982.553]

vior resulting from a disability, the Housing Authority
r to determine if there is an accommodation, which
he disability.

nclude any or all of the following:

Authority waiting list

ion in accordance with 24 CFR Part 5, Subparts B and F.

citizen or eligible immigrant (see “Procedures for Non-

n evicted from federally assisted housing for drug-related
rity must deny admission for three (3) years after the
old member completed an approved, supervised drug
stances for the eviction no longer exist.

ntly engaging in illegal use of a drug or the Housing
pattern of use may threaten the health, safety, or right to
by other residents.

or pattern of abuse of alcohol may threaten the health,
t of the premises by other residents.

been convicted of manufacturing or producing
f federally assisted housing.

ct to a lifetime registration requirement under a State sex
ection C. Denial of Assistance for Sex Offenders)

CFR 982.54(d), 982.552(b), 982.553(a), and

e for participants:

sign and submit HUD or Housing Authority required
ion in accordance with 24 CFR Part 5, Subparts B and F.

citizen or eligible immigrant (see “Procedures for Non-

s ever been convicted of manufacturing or producing
f federally assisted housing.

ct to a lifetime registration requirement under a State sex
Related and Violent Criminal Activity" in this chapter).

t meet the applicable SSN disclosure, documentation and
does not apply to mixed families who do not contend
D's non-citizens regulation nor does it interfere with
ration of assistance or screening for such families.

istance [24 CFR 982.552(c)]

nce for an applicant, or terminate program assistance for

ation under the program as listed in 24 CFR 982.551.

een evicted from public housing in the last three (3)

rminated assistance under the program for any member

s fraud, bribery or any other corrupt or criminal act in
program.

er amounts to the Housing Authority or to another
h the Housing Choice Voucher Program or public
ct.

ned abusive or violent behavior toward Housing
lent behavior towards Housing Authority personnel
buse or violence. Use of expletives that are generally
or other language written or oral that is customarily used
for termination or denial.

threats or physical gestures that communicate intent to
ysical abuse or violence will always be cause for

in, or has engaged in drug or alcohol abuse that
eaceful enjoyment of other residents (see "Family

s:

r criminal act in connection with any Federal housing

s defined by law).

rug related and Violent Criminal Activity" in this

gainst person or property.

threaten the health, safety, or right to peaceful enjoyment
s, persons residing in the vicinity, Housing Authority
r, or property management staff.

that any household member is engaging in or has

thority may permit the family to continue receiving
bers determined to have engaged in the proscribed
If the violating member is a minor, the Housing
rcumstances upon the advice of Juvenile Court officials.

ments of crime covered by civil standards and with a
using Authority is not required to show proof of crime

y individual who is:

ne or part time) at an institution of higher education

hild; and
ligible, or has parents who, individually or jointly, are
nce

artment Reauthorization Act of 2005 (VAWA

ncorporated into the Housing Choice Voucher HAP

nestic violence, dating violence, or stalking will not be
ons of the lease or other "good cause" for termination of
ights of a victim of abuse (section 8(o)(7)(C) of the U.S.

use, engaged in by a member of a tenant's household or
ant's control shall not be cause for termination of
s if the tenant or an immediate member of the tenant's

e construed to limit the authority of a public housing
ed, to honor court orders addressing rights of access or
protection orders issued to protect the victim and issued
n of property among the household members in cases
(7)(D)(iii) of the U.S. Housing Act of 1937).

any otherwise available authority of an owner or
agency to terminate assistance to a tenant for any
e act or acts of violence in question against the tenant or
ovided that the owner, manager or public housing
s or has bee a victim of domestic violence, dating
ng stand than other tenants in determining whether to
v) of the U.S. Housing Act of 1937).

e construed to supersede any provision of any Federal,
protection than section 8(o)(7)(D)(i) for victims of
talking (section 8(o)(7)(D)(iv) of the U.S. Housing Act

Program

tic violence which must be taken into consideration
ing a family's participation in the Housing Choice
ection 8(r) of the U.S. Housing Act to provide an
ing under the portability provisions in violation of the
receive a voucher and move in violation of the lease
complied with all other obligations of the voucher
ng unit in order to protect the health or safety of an
stic violence, dating violence or staking and who
reatened by harm from further violence if he or she

on of continued assistance for other family members, a
d in, or were culpable for the action or failure to act, will
y permit the other members of a family to continue in the

Assistance will determine if an HQS breach as
onsibility of the family. Families may be given
rector of Rental Assistance or his/her designee.

e used to decide if a serious or repeated violation of the
:

ncy through court action for serious or repeated

ily of termination of assistance for serious or repeated
ily moves from the unit prior to the completion of court
es that the cause is a serious or repeated violation of the
ence.
ily of termination of tenancy assistance for serious or
d the family moves from the unit prior to the completion

ighborhood complaints, or other third party information,
nformation.

s request to add additional family members who are:

or other amounts to the Housing Authority or to another
with the Housing Choice Voucher Program or public
7 Act.

threatened abusive or violent behavior toward Housing

Authority if any family member leaves the assisted
ousing Authority, they must furnish the following

out
mily member
he family member will be out of the household.
efinition of family.

in Unit

e use of the unit as a business is not incidental to its use
rogram violation. If the Housing Authority determines
sidered a program violation.

nit regardless of whether they are a member of the
mobile home and rents the pad, excluding shared
the Homeownership Option Program.

onsider which family members were involved, the
t be caused to innocent members.

"Procedures for Non-citizens" in this Chapter.

ent Activity

nd other criminal activity, as well as other patterns of fety or right to peaceful enjoyment of the premises by 982, Subpart L and CFR Part 5, Subpart J, the Housing ts as thoroughly and fairly as possible for drug-related ing will apply to any member of the household who is

using because of drug-related criminal activity are oice Voucher Program for a three (3) year period ess the household member completed an approved, he circumstances for the eviction no longer exist. For s no longer in the household because the person is

y have been arrested and convicted of a drug-related or isted housing due to drug-related or violent criminal to the date of the certification interview.

een arrested and convicted of a drug-related or violent d housing due to drug-related or violent criminal activity ate of the notice to terminate assistance, or whose building or neighborhood.

l Alcohol Abusers

tion in the program to applicants in cases where the onable cause to believe that the person is illegally using interfere with the health, safety, or right to peaceful ts. This includes cases where the Housing Authority use of a drug, or pattern of alcohol abuse.

se of a drug or alcohol to be a pattern if there is more by the Housing Authority during the previous six (6)

evidence which is of greater weight or more convincing
sition to it; that is, evidence which as a whole shows that
le than not. The intent is not to prove criminal liability,
eponderance of evidence is not to be determined by the
ight of all evidence.

police and/or court records. Testimony from neighbors,
e, can be considered credible evidence. Other credible
aids or arrest warrants where illegal drugs were found or

ding efforts as needed to obtain credible evidence.

stance for criminal activity by a household member
has determined that the household member has engaged
er the household member has been arrested or convicted

ecides to terminate assistance to the family, the Housing
ce which states:

nination

rmation, if applicable

termination

, to request an informal hearing to be held before

CFR 5.514, 5.516, 5.518]

ble Immigrant Status

all members are neither U.S. citizens nor eligible
nd must have their assistance terminated. The Housing
nity for a hearing (see Chapter 2, “Eligibility for

rification of the participant family's eligible immigration

crete, or substantial documentation (such as a permanent
gency) that contradicts the declaration of citizenship
estigation will be conducted and the individual will be
formation.

izenship, the Housing Authority will give them an
s an eligible immigrant or an opportunity to elect not to

gible status and deny, terminate, or prorate as applicable.

ate assistance based on the submission of false

ible immigrant status and the U.S. Citizenship and
l secondary verifications failed to document the status,
IS and request a hearing with the Housing Authority
he USCIS appeal.

REPRESENTATION [24 CFR 982.551, 982.552(c)]
hat caused the Housing Authority to overpay assistance,
erminate and may offer to continue assistance provided
ment and makes payments in accordance with the
ority in full.

WITH OWNER [24 CFR 982.551, 982.552 (c)]
nowingly commits fraud or is involved in any other
Authority will deny or terminate assistance.

Authority will carefully consider the possibility of overt
owner and the family's understanding of the events.

NES [24 CFR 982.551, 982.552 (c)]
on, documentation, and certification as needed for the
ties. The Housing Authority schedules appointments and
d information. The obligations also require that the
pect the unit, and appointments are scheduled for this

p an appointment, or to supply information required by a
thority, may be sent a Notice of Proposed Termination of
nformation, or for failure to allow the Housing Authority

the requirement to keep appointments and the number
as specified in this Administrative Plan.
equirements will be imposed for the following events

tion or denial for breach of a family obligation.

the family offers to correct the breach within the time
ay be rescinded if the family offers to cure and the
pliance.

es the criteria for owner disapproval, and the various

rity that a court or administrative agency has determined
g Act or other Federal equal opportunity requirements.

o June 17, 1998, the owner may not be a parent, child,
er of any family member. The Housing Authority will
ccommodation for a family member who is a person with

ear the same last name, the Housing Authority may at its
wner to certify whether they are related to each other in

der a HAP contract under Section 8 of the 1937 Act (42

ry or any other corrupt act in connection with any Federal

criminal activity or any violent criminal activity.

non-compliance with the HQS for units leased under the
ble housing standards for units leased with project-based
leased under any other Federal housing program.

renting units that fail to meet State or local housing

eal estate taxes, fines or assessments.

egulations, the mortgage or note, or the regulatory
insured by HUD or loans made by HUD.

ES [24 CFR 982.453]

or is guilty of frequent or serious contract violations, the
rom future participation in the program for a period of
the offense. The Housing Authority may also terminate

ner, the Housing Authority will review all relevant
sider such factors as the owner's record of compliance

dum" for guidance as to how owner fraud will be

ion of a new contract.

ssignment of the HAP contract at the previous owner's
ve the assignment, since they are a party to the contract.
of assignment of the contract, for any of the reasons
apter.

ge of ownership only upon the written request of the
opy of the recorded deed or other document showing the
ication number or Social Security number of the new

ent of the contract, the Housing Authority will terminate
they are no longer the owner. The new owner may offer
may elect to enter into the new lease or move to another

under the law. HUD further estimates that 12% of all
e, or are receiving benefits which exceed their legal
mitted to ensuring that the proper level of benefits is
g resources reach only income eligible families so that

ary to prevent fraud, waste and mismanagement so that

Housing Authority will follow-up on referrals from other
h are received by mail, telephone or in person, which
nce with, or otherwise violating the family obligations
ow-up will be made providing that the referral contains
s independently verifiable. A copy of the allegation will

ill be made if Housing Authority staff discovers (as a
tion, an interim redetermination, or a quality control
onflict with previous file data, the Housing Authority's
pant with statements made by the family.

llow-up will be made if the Housing Authority receives
tation which conflicts with representations in the
nformation or credit bureau reports, or reports from other

WILL TAKE TO PREVENT PROGRAM ABUSE

methods and practices (listed below) to prevent program
ns of program rules by applicants and participating
sh confidence and trust in the management by
ns to obtain compliance by families.

40-OIG). This program integrity bulletin (created by
rnished and explained to all applicants to promote
to clarify the Housing Authority's expectations for

tion sessions will be conducted by the Housing
ogram participants, either prior to or upon issuance of a
ogram Orientation Sessions, the family representative

to initial certification, and at the completion of all
icipant file will be reviewed. Such reviews shall

income and deductions is present.
rity Numbers or dates of birth.

nd expenditures.
ency with previously signed file documents.
l signed.

will maintain high awareness of circumstances which
, such as unauthorized persons residing in the household
s will be documented in the family's file.

Housing Authority staff.

quiries to State Wage and Employment record keeping
Law 100-628, the Stewart B. McKinley Homeless
, may be made in order to detect unreported wages or
s.

au inquiries may be made (with proper authorization by
mstances:

y the Housing Authority wherein unreported income

es exceed their reported income and no plausible

rrent voucher holder of the Housing Authority and if so,
mation reported has been previously disclosed by the

sing Authority is the most appropriate authority to do a
cial services). Any file documentation of past behavior
will be evaluated.

eview, there are facts contained in the allegation which
ependently verifiable, the Leasing Specialist will initiate
on is true or false.

e owner has retained housing assistance or claim
Housing Authority may reclaim the amounts from future
d the owner for any units under contract. If future
nsufficient to reclaim the amounts owed, the Housing

nt in full within 30 days

tion agency

icipation

Y WILL INVESTIGATE ALLEGATIONS OF

n allegation or referral warrants a follow-up, the Housing
The steps taken will depend upon the nature of the

workers or representatives of other benefit agencies may

sing Authority will review public records kept in any
of public records which may be checked are: real estate,
mercial code financing statements, voter registration,
ate wage records, utility records and postal records.

or Family Members. The Housing Authority will discuss
n the head of household or family member by scheduling
ority's central office. A high standard of courtesy and
y the Housing Authority staff person who conducts such
will not be tolerated. If possible, an additional staff

EVIDENCE AND STATEMENTS OBTAINED

the Housing Authority during the course of an
duct" and will either be kept in the participant's file, or
review will not be discussed among Housing Authority
s, or have information which may assist in the

AUTHORITY'S INVESTIGATIVE REVIEW

w, the reviewer will report the findings to the Director of
ill be established if a violation has occurred, not

ion:

ncompliance, fraud).
l or unintentional.

ses, a notice will be sent to the family which contains the

ce and the procedure, policy or obligation which was

t be corrected, or the procedure complied with

e Housing Authority if the procedure or obligation is not
by the Housing Authority

ar) violations

id Assistance

sing Authority for failure to report changes in income or
Notice of Proposed Termination letter. This notice will

n informal hearing within 10 days.
earing

o discuss and explain the family obligation or program
cer will complete a Hearing Summary, mail one copy to
file.

g Authority's Notice. If the participant fails to comply
d a family obligation has been violated, the Housing
tion of assistance.

Any of the following circumstances will be considered

ousing Authority staff or others of the misrepresentation,

mber was used.

l facts which were known to him/her (e.g., employment

or altered documents.

ified to statements at an interim (re)determination which
be false.

epresentations

g efforts to recover monies owed, the Housing Authority
of the criteria stated above, one or more of the following

hority has established criminal intent, and the case meets
uthority may refer the case to the local State or District
e rental assistance.

uthority may terminate assistance and demand payment

ng is to assist the Housing Authority in determining the
ase. Prior to the final determination of the proposed

Commissioners on February 16, 2006. These Standards
most in public trust and confidence in the policies and
status as an independent public entity, the Authority
ll business in a manner above reproach or censure. The
t will describe in detail the standards by which members
sing Authority employees are to be held accountable.

t of Housing Authority employees is allowed. This
ts or any item or service having value.

hall have any employment, or engage in any business or
professional activity, or incur any obligation in which
e an interest that would impair his or her independence
of his or her official duties or that would be in conflict
l duties.

contract with any person who has or enters into a
ss:

and the Housing Authority is awarded pursuant to
and/or purchasing policies as outlined in regulations
ment of Housing and Urban Development (HUD), state
the County of San Joaquin Procurement Policy; or

and the Housing Authority is one in which the Housing
est, has no duties or responsibilities, or if the contract
Authority employee entered into prior to becoming an

given by an employee of the Housing Authority acting in
o any person, agency or organization. Employees,

shall be done following prescribed methods of requesting
hall be done with full knowledge of the enrollee except in
he enrollee's knowledge is not required.

ve an interest in a contract between any person and the
sion shall not apply if the contract was entered into prior
thority.

FICATION (EIV) USER'S

ollowing:

t least annually
d User Agreement
omputer screen unattended
t be retrieved immediately and shall not be left lying

n User ID and password
y not disclosing own password
ccess is no longer needed
nce or the Security Officer and/or the HUD Security
cted violation or breach of system security

nsure the security of EIV data:

rm
ent
ance Sheet

records, files or tapes relative to the performance of its

by the Authority, except those records that are considered
er, confidential records may be examined upon execution
person.

may:

stent with and to clarify the Code of Ethics and

g alleged or suspected infractions of the Code of Ethics
ake recommendations to the Board of Commissioners or
er or final actions.

isclosure of any other pertinent information by
ioners.

ority with the Code of Ethics and Standards of Conduct
ons involving ethics.

ee (3) members and one (1) alternate:
member;

be a party versed in legal/ethical issues, e.g., an attorney
uthority or an academic authority on ethical issues.

appointed in the following manner:

may attend all meetings of the Committee. In case of a
er, the alternate member will assume the role as a voting
may at any and all time's voice opinions regarding the

ritten request from either the Board of Commissioners
hority, respond in writing within sixty (60) days after
tee determines that additional time is required. If
n the requestor of the approximate time it will be able to

ecommendations for action to the Board of
mmended action is properly within the purview of the
ignee, it shall delegate the matter without further Board

e involved in the deliberations of the Committee, but he
e alternate committee member.

alculation, in a clear format for review by the owner, the

sing Authority, the Housing Authority will make every
e a variety of collection tools to recover debts including,

yments

er

ns
ral's Office

that the family committed program fraud.

Authority will enter into a payment agreement with a
onths, depending on the family's circumstances.

ng Authority will enter into a payment agreement with a
mount of monthly payment for any payment agreement
the total repayment amount and the family's ability to
d for repayment.

Joaquin County, the tenant must have a history of
ments before they will be approved to move. Otherwise,
fore they will be approved to move (for non-fraud
st have the balance paid off before moving.

Joaquin County, they must first pay off any debt owed

ars if the payment has not been received by the close of
s due. If the due date is on a weekend or holiday, the due
s day.

ears, and the family has not contacted or made
the Housing Authority will:

e in full.
due.

it and has a payment agreement in place for the payment
ment is not in arrears, the family will be permitted to

ntil the debt is paid in full, unless the move is the result
ment agreement is current:

um occupancy standards
to owner non-compliance or opt-out

/NON-REPORTING OF INFORMATION [24 CFR

se is a single act or pattern of actions that constitutes
of a substantive fact, made with intent to deceive or
using Choice Voucher program funds in violation of
nents.

family for program fraud, or it may allow the family to

e Housing Authority due to program fraud will be
ment procedures for program fraud below.

ch equals or exceeds $5,000 as a result of program fraud,
eneral. Where appropriate, the Housing Authority will

aud

timely reporting of increases in income will be subject to

ned in the “Guidelines for Payment Agreements” in this

will be determined in accordance with the family's

ased in cases of family hardship and if requested with
y, verification of the hardship, and the approval of the

d in full unless the move is the result of the following
ent:

um occupancy standards
to owner non-compliance or opt-out

ent in place and incurs an additional debt to the Housing
r into more than one payment agreement with the
.

place and incurs an additional debt to the HA:

han one Payment Agreement at a time with the same

HORITY [24 CFR 982.453(b)]
e owner has retained Housing Assistance Payments the
rity may reclaim the amounts from future Housing
ny units under contract.

insufficient to reclaim the amounts owed, the Housing

in full within thirty to forty-five (30-45) days.

community in regard to the Housing Authority, a family
Specialist. If a complaint is not resolved, it will be
still not resolved, it will be referred to the Director of

will be provided to families in the briefing packet.

erence to an applicant, the family will be notified in
and offered the opportunity for a meeting with Housing
e denial and to dispute the Housing Authority's decision.

be the Application's Compliance Supervisor or his/her

cants with the opportunity for an informal review of

waiting list.

dures.

lished policies and procedures and Housing Authority

minations by the Housing Authority.
vances.
size under the Housing Authority subsidy standards.
cher.
n not to grant approval of the tenancy.
mpliance with HQS
cordance with HQS due to family size or composition.

eceived in writing by the close of the business day, no
ate of the Housing Authority's notification of denial of
eduled within ten (10) business days from the date the

by the person who made or approved the decision under

CFR 982.555(a-f), 982.54(d)(13)]

sion regarding the eligibility and/or the amount of
t be notified in writing. The Housing Authority will give
tions which will include:

the Housing Authority
cision will take place
n of the basis for the Housing Authority's decision
ring if the family disputes the action or decision
earing
ld be addressed
hearing procedures

ctivity as shown by a criminal record, the Housing
cord and the tenant/participant with a copy of the
terminate was based.

cipants with the opportunity for an informal hearing for
ousing Authority determinations:

al or adjusted income and the computation of the

er Housing Authority subsidy standards

y's FSS Contract, withhold supportive services, or

n not to approve an extension or suspension of a voucher

n not to approve a unit or lease

n that an assisted unit is not in compliance with HQS
hearing for family breach of HQS because that is a family

n that the unit is not in accordance with HQS because of

n to exercise or not exercise any right or remedy against

esolve disputes at the lowest level possible, and to make
lies. However, if this is not possible, the Housing
articipants will receive all of the protections and rights

quest for an informal hearing, a hearing shall be
otification of hearing will contain:

l be held

e, witnesses, legal or other representation at the family's

r evidence in the possession of the Housing Authority

eschedule the hearing only if the family can show good

o the Housing Authority's determination

which are the basis for the Housing Authority's action,
hearing officer

eir expense

es pertinent to the issue of the hearing

ff be available or present at the hearing to answer

dvocate, or other designated representative at their own

cuments relevant to the hearing, the Housing Authority
and assess a charge of $.25 per copy. In no case will the
e from the Housing Authority's office.

chapter, the Housing Authority has a right to:

on pertinent to the issue of the hearing

be represented by legal counsel, advocate, or another

to be used by the family prior to the hearing

nent

ualified by the Housing Authority

or which the family has received the opportunity for
may be considered without regard to admissibility under
proceedings.

ve not been provided to the other party before the hearing
s" includes records and regulations.

additional information and/or might adjourn the hearing
reaching a decision.

dline ordered by the hearing officer, the action of the
other hearing will not be granted.

the action, inaction or decision of the Housing
regulations and this Administrative Plan based upon the
ring. Factual determinations relating to the individual
n a preponderance of the evidence presented at the

ovided in writing to the Housing Authority and the
all include:

nd reasons for the decision

ed, the amount owed
ect

ring decisions:

OR "RESTRICTIONS ON ASSISTANCE TO NON-E]

d, denied or terminated on the basis of immigration
decision on the U.S. Citizenship and Immigration

ed or denied while the Housing Authority hearing is
be delayed pending the Housing Authority hearing.

rvices Determination of Ineligibility

immigrant and the U.S. Citizenship and Immigration
not verify the claim, the Housing Authority notifies the
s of their right to appeal to the USCIS within thirty (30)
the Housing Authority either in lieu of or subsequent to

ust give the Housing Authority a copy of the appeal and
may proceed to deny or terminate. The time period to
Housing Authority for good cause.

g must be made within fourteen (14) days of receipt of
eal was made to the USCIS, within fourteen (14) days of

earing, the hearing is conducted as described in this
. If the hearing officer decides that the individual is not
ly members, the Housing Authority will:

participant and qualifies for deferral

ilure to verify eligible immigration status for some
eal and hearing rights described above) are entitled to a
ring regarding determinations of Tenant Rent and Total

raud in connection with the non-citizens rule are entitled
way as terminations for any other type of fraud

PPLICANTS/PARTICIPANTS WITH DISABILITIES [24

he waiting list, or the Housing Authority is terminating
presence of a disability may be considered as a
l review process.

nmodation

available if the applicant/participant can demonstrate
for a person with a disability. Acceptable documentation
nodation would be a letter from one or more
hority describing how the special housing type requested
is in need. The request and documentation will be
se stating approval or disapproval will be sent to the
receipt of the request.

supporting documentation will be maintained in the
g type must be approvable by all other HUD standards
R 982.

housing unit may reside in the unit.

ntract with the Housing Authority. However, housing
owner. The Housing Authority will not approve
ted by blood or marriage to a resident owner.

payment contract and lease for each assisted family

ion" means the ratio derived by dividing the number of
occupancy by a family by the total number of bedrooms
ed to occupy three bedrooms in a five bedroom unit, the

xceed the pro-rata portion of the reasonable rent for the
ble rent must be in accordance with the guidelines set in
nd Payment Standards" chapter.

g unit, the payment standard is the lower of the payment
payment standard schedule for the family unit size or
d amount on the Housing Authority payment standard

aide, the live-in aide will be counted in determining the

living in shared housing is the pro-rata portion of the
t.

mage

urely anchored by a tie-down device that distributes and
unit to appropriate ground anchors to resist wind

4 CFR 982.622]

ace will include payment for maintenance services that
the lease for the space.

utilities and trash collection for the manufactured home.
a separate fee for the cost of utilities or trash collection

ner for the manufactured home space may not exceed a
ng Authority.

lease for a manufactured home space until the Housing
nt to owner for the space is a reasonable rent.

y, the Housing Authority will re-determine that the rent

ther the rent to owner for a manufactured home space is
other comparable manufactured home spaces. The
nd location of the space and any services and
ordance with the lease.

nce payment from the Housing Authority, the owner of
the rent to owner for the space is not more than rent
of comparable spaces in the same manufactured home

d home space
ent charges for the space
d utilities

factured Home Space Rental [24 CFR 982.624]

y allowances for manufactured home space rentals.
vances will include a reasonable amount for utility hook-
nily actually incurs the expenses because of a move.

not apply to a family that leases a manufactured home

space will not be applied to cover the costs of digging a

using Authority, and must have successfully completed a
seling program.

general requirement for admission to the Housing Choice
nistrative Plan.

nily must also be eligible to participate in the Housing
ows:

nent duration requirements

bt owed to the Housing Authority

g debt to purchase a home under the homeownership

sent ownership interest in a residence at the
ance

t be a first-time homeowner, meaning that no member of
st in any residence during the three years preceding

ho, while married, owned a home with a spouse (or
onsidered a “first-time homeowner” for the purpose of
hip Program. A member of a cooperative family of
isabilities, and use of the homeownership option is
that the program is readily accessible to and usable by
his title.

it for an individual living alone (or paying his or her
ed by twelve.

admission to the Housing Choice Voucher Program,
ment, or calculation of the amount of homeownership
income disregard.

more adult members of the family who will own the
assistance is employed full-time an average of not less
ntinuously employed for one year prior to execution of
stance. One 30 day break in service during the 12

RITY DEBTS

r Program shall be ineligible for participation in the
debt or portion of debt remains owed to the Housing
ncy.

dult household member who will execute the contract of
s previously defaulted on a mortgage obtained through
hip Program, the family will be ineligible to participate
all be declared when an adult household member does
a timely manner and vacates the premises without
der(s) and the Housing Authority.

om continuous employment requirements. Also, the
of income in determining where they meet minimum
e Housing Choice Voucher Homeownership Program.

vering major building systems

of the proposed mortgage

he Housing Authority to comply with all of its
oucher Program, including the Homeownership Option.

RAM [24 CFR 986.630]

ship program is conditioned on the family attending and
and housing counseling program approved by the
of homeownership assistance.

m will cover home maintenance; budgeting and money
g purchase price; securing mortgage financing while
; fair housing issues; and the advantages of purchasing
e a high concentration of low-income families.

es to participate in a Housing Authority approved post
g basis.

be issued when the family has met all eligibility
proved homeownership counseling program and pre-
From the time the homeownership voucher is issued,
home to purchase. A home shall be considered if the
with the requisite components to the Housing Authority.
d within six months, the voucher will expire. If the
ase but the renovation or construction is not completed
ill be extended by the length of time necessary to
y that is beyond the control of the participant.

ommits to purchasing the unit.

jurisdiction located outside the boundaries of San
hority in the receiving jurisdiction operates a
n the homeownership applicant qualifies or authorizes the
ownership assistance in their jurisdiction, also provided
epting applications. In the former case, a family's
er Program will be subject to the Homeownership
ng jurisdiction.

urchase a home. Once a home is located and a sales
rity is signed by the family, the family shall have up to
pproved by the Housing Authority's Chief Executive
y approved sales agreement to purchase the home unless
is not the responsibility of the family.

or sales agreement, the family must provide the financing
l. The sales agreement must provide for inspection by
ependent inspection, and that the purchaser is not
ns are satisfactory to the Housing Authority. The
r home warranty. The contract must also provide that
f the mortgage finance terms are not approved by the
seller certification that the seller is not disbarred,
participation under 24 CFR part 982.631.

631]
Housing Quality Standards (HQS) of the Housing
assistance payments may not commence until the
The Housing Authority inspection will be the initial

cessary major repairs. The amount of cash paid out to
he initial loan amount. The Housing Authority will

ONS

with all family obligations under the Housing Choice
ty homeownership policies. The obligations include:

must be true and correct.

social security numbers and employer identification
for obtaining information and supply any other
nd HUD determines to be necessary.

eports on the family's progress in finding and

y Housing Authority required homeownership and

pection by an independent professional inspector.

seller of the unit and promptly provide a copy of the
.

for home in special flood hazard areas.

age securing debt incurred to purchase the home

ty in writing when (1) the family moves away from the
ccordance with Housing Authority policies, and (2)

ity in writing if the family defaults on a mortgage
e home.

her corrupt or criminal act in connection with any

activity or violent criminal activity.

home except to grant a mortgage on the home for debt
ome.

program assistance while receiving another housing
unit under any Federal, State or local housing assistance

g Authority requirements for family search and purchase
ership assistance for the family.

.635]
ment will be based on three factors:

hich the family is eligible
e

of either the payment standard minus the Total Tenant
meownership expenses minus the TTP. The Housing
nce.

RD
amount the Housing Authority annually establishes as
lar size located within the Housing Authority

nd public assessments; homeowner's insurance;
ity allowance (replacement reserves); utility allowance
allowances; principal and interest on mortgage debt
ments or improvements for the home including changes
omeowner association dues, fees or regular charges as

e member may only include Housing Authority approved
he cooperative occupancy agreement including payment
on the home; principal and interest on the initial debt
e membership shares and refinancing of such debt; home
expenses, major repairs and replacements and utilities;
to finance major repairs, replacements or improvements,
e accessible.

TY PORTION

hip expense that the family must pay. The TTP is
ome, plus any gap between the payment standard and the
cluding public assistance) will be counted to determine
urposes of determining the amount of assistance.

ership assistance payments either directly to the family
y, to the lender on behalf of the family. If the assistance
der, the PHA must pay the excess directly to the family.

EOWNERSHIP ASSISTANCE

be terminated if the family fails to comply with:

ousing Choice Voucher Program
olicies
e

er Homeownership Program shall be entitled to the
ng procedures as set forth in this Administrative Plan.

TION IN THE HOUSING CHOICE VOUCHER

Housing Authority may permit the family to move with
assistance, if the family demonstrates that it has:

or its designee, as required by the lender, the Housing

iod established or approved by the lender, the Housing

ance is paid by the Housing Authority on behalf of the
l the ongoing administrative fee described in 24 CFR

thority shall have the direction to waive or modify any
rogram or policies not governed by statute or regulation
n HUD regulations or directives.

may permit the family to move with continued
due to catastrophic medical reasons or to the impact of a

P contract for up to 10 years, with the option to renew
Rents under the PBV program are generally limited to the
on rents.

rent reasonable. HUD has promulgated special
f subsidy or tax credits.

e from PBV assisted housing to tenant-based housing if
been established to facilitate a fair and equitable method
eligible project-based residents.

res

tisement announcing a Request for Proposals will be
s in the following newspapers, The Stockton Record,
and The Lodi Sentinel. The advertisement will state the
ct-based, the type of units that will be considered for the
eadline, and will note how to obtain the full Request for
formation on the application and selection process. Any
statement that participation in the PBV program
nd Equal Opportunity requirements. Interested owners
he date of the last publication to respond.

n of a proposal that was previously selected within the
am's competitive process (i.e. HOME, tax credits, etc.)
assistance was not a consideration. Such proposals will
established in the Housing Authority's Annual Plan and

Projects must contribute to meeting the goals outlined
and/or the Consolidated Plan for the jurisdiction in which
se goals will be clearly identified in the Request for
er Competitive Proposals".

amily rental housing units are generally eligible for
awarded PBV's so long as their use does not fall under
tion's that Prohibit PBV Award". Rental units located in
pe VI funds (awarded in fiscal year 2001 or later) or
s not public housing units, may receive PBV assistance
apital funds and other public housing funds used in the
ave 20 PBV units and 10 public housing units so long as
uding Hope VI and Capital funds, is less than 33.33% of
elopment of the 30 rental units). PBV assistance in
t are "mixed-income" developments (i.e. that do not
is permitted subject to certain restrictions. In addition,
t has been subsidized with HUD Section 236 interest

PBV assistance may not be provided to nursing homes,
, student housing, owner-occupied housing, a high-rise
families with children, or for any unit currently existing
ssistance under the PBV. In addition, the Housing
any unit that is a public housing unit, a unit that is
choice voucher assistance such as HUD's tenant-based
n another government rental subsidy, such as HUD's
r rental assistance under the federal HOME Investment
l by HUD under its Section 202 (housing for seniors) or
r persons with disabilities) programs.

rity. Selection of PBV units that are owned by the
ing Authority has an identity of interest, must be

ruction Project. Construction projects include new
the date of project selection) and rehabilitation (existing
QS on the date of selection). New construction and
ement to enter a Housing Assistance Payment (AHAP)
project.

Housing Authority can execute an AHAP contract for a
, the following requirements must be met:

ompleted
ust have been granted
and utility allowances has been made
ed

prior to the execution of an AHAP (in a form required by

tion of the project, including identification of the site,
following:
s (square feet, bedrooms and baths)
r equipment supplied by owner
ner
quirements of the Fair Housing Act and 504 (access for
ontract units

med under the AHAP including additional Housing
uirements that exceed the HQS requirements
ply to the development of nine or more contract units.
oject may trigger a more restrictive threshold for the

ontract for Existing Projects

as been done and a Request for Release of Funds has

he utility allowance has been made

een completed

heets the HQS requirements

ction and Existing Projects

dquarters and it must contain description of the housing

e feet, bedrooms and baths)
nent supplied by owner

nts of the Fair Housing Act and 504 will apply to

nd contract term. The term of the contract is subject to
ding as determined by HUD or the Housing Authority.

nits added by amendment to the HAP contract and a
IAP were identified in the HAP while those added by

ner may collect from its tenants is established at the
ring the term of the HAP contract, the rent to the owner

crease

r decrease in the published HUD Fair Market Rent for
ed unit is located. Under the final PBV regulations, the
yner may charge for a unit receiving PBV assistance shall
pplicable Fair Market Rent for the unit, based on the
rent as determined by the Housing Authority, or (3) the

so a Low Income Housing Tax Credit (LIHTC) unit, the
us Tract, the unit is located in a building that has LIHTC
V units but those comparable LIHTC units do not have
ax credits, and if the tax credit rent exceeds the
he rent to owner is not to exceed the lower of (1) the tax
established under the rules of the LIHTC, (2) the
using Authority, or (3) the rent requested by the owner.

be limited to receiving:

to only the maximum tax credit rent

ns.

charged to the PBV assisted units, the request for an
owner in writing to the Housing Authority at least 60
he annual anniversary of the HAP contract. The
the owner is entitled to a rent increase by recomputing
by an owner under the tests described above.

n its own that there should be rent decrease if there has
UD Fair Market Rent for the project area. Such a rent
not request the rent determination (or in fact asked for a
t may be charged by the owner applies for the period of
versary of the HAP contract.

changes in HUD's Fair Market Rents or requests by the
to redetermine the reasonable rent that may be charged
contract is amended to substitute different contract units
t any time during the term of the HAP contract, as
es to allow the PBV units in that building to "float" and
its as the PBV units. The option to "float" units is the
Once selected, the choice is irrevocable. Later
rcumstances and at the sole discretion of the Housing

ousing Authority must conduct a comparability analysis
lified person or entity) and consider at least three
d market; however, those unassisted units may be units
nits.

out is not required to amend the HAP contract to reduce
se PBV units that have been vacant for a period of 120
e Housing Authority a notice of vacancy for such
account whether to reduce the number of contract units
strated efforts to re-rent the unit to qualified applicants,
e needed to lease the unit, and any other criteria that
e to rent the unit within another 30 days. However, if the
ation of the contract for that unit shall be mandatory.

V assisted unit, which must be for a minimum initial
HUD required tenancy addendum), the owner may
for "good cause", as defined under 24 CFR Part
hout good cause. If the owner refuses to renew the lease
ty is obligated to provide the family with tenant-based
t will be removed from the HAP contract.

P contract if the amount of rent to the owner for any
project-based voucher rules described above (which are
02 and 983.303) is reduced below the amount of the
e HAP contract. In such a case, the families that had
voucher assistance will be entitled to tenant-based

ent that receives the benefit of PBV assistance under a
voluntarily from that project-based assisted unit after at
e for assistance under the Housing Authority's tenant-
arable program for rental assistance provided by the
hat leave the PBV assisted unit before having resided

oped to allow efficient sorting and identification of such
ilable.

using an offer of housing shall not have their name
t affect their standing for other areas for which they have
-based wait list. Once housed in PBV housing, the
BV wait list. There is no effect on the community-wide

ct-based wait list will be purged annually. Failure to
oval of their listing from the project-based wait list.

All other mechanics of wait list management will be
(see Chapter 4)

ram Limit Old Rule

ty percent (20%) of the total number of budgeted units
Choice Voucher Program “HCVP". It is the policy of the
all Federal, State, and local nondiscrimination laws and
Fair Housing and Equal Opportunity in housing and

y family or individual the equal opportunity to apply for
on the basis of race, color, sex, religion, creed, national
licap or disability or sexual orientation.

y with applicable Civil Rights laws, the Housing
l information to voucher holders regarding unlawful
e to families who believe they are victims of a
be made available during the family briefing session,

essible to persons with disabilities. Accessibility for the
ia Relay Service or TTD at (209) 466-5735.

BV" Program, an existing unit is a unit which, at the
project for "PBV" assistance, requires less than $1,000
are of work to be done to common areas and systems to
).

assistance under the "PBV" Program must be for units
s of less than twenty percent (20%).

No more than twenty-five percent (25%) of the units in
e except as noted below.

or fewer units)
ted for elderly
ted for disabled families as defined by HUD in 24 CFR

services as defined by HUD

ents

program focus will be on accomplishing the following
rty percent (30%) of the Area Median Income (AMI):

dable housing opportunities
existing affordable housing opportunities

rtification that the working drawings, specifications and
D" minimum property standards, local codes and

minority concentration, and must not be located in a
se a significant increase in the proportion of minority to
the project is necessary to meet overriding housing
market area. All new construction projects must meet
od review requirements.

d disseminate information to make known the
ated services for very low-income families. When the
ty will publicize the availability and nature of housing
n a newspaper of general circulation.

e the status of housing availability to other service
hem of housing eligibility factors and guidelines in order
ousing assistance**.**

Owners

a Housing Authority approved request for proposal
sing. If an "RFP" solicits applications for new or
ons for existing units will not be accepted or vice versa.

ive bidding process approved by "HUD" will be used to

tted with all Proposals

a total of ten (10) pages. The Housing Authority
formation, if necessary to complete the selection process.

chers for multiple sites/developments under one
/developments. All sites/developments included in an
e project. All proposals must provide the following
at will be used to determine the amount of rental
o evaluate the proposal:

ddress or addresses) and ownership.

ber of housing units requiring project-based assistance,
count and bathroom count.

its.

including playgrounds, public schools, public
y stores.

l current year operating budget including estimated

ndication of which utilities, services and equipment are

to be provided to be the population that will be served
ded currently and into the foreseeable future. Describe
on if funding for services is reduced or withdrawn.

's intention to comply with Title VI of the Civil Rights
Rights Act of 1968, E.O. 11063, E.O. 11246, Section 3
ment Act of 1968 and all applicable Federal
11. This is including, but not limited to, the payment of
n the locality pursuant to the Davis-Bacon Act to all
n the construction or rehabilitation of the project.
ubject to this provision.

er, builder, architect, management agent (and other
and principal members, shareholders, investors and
nterest; the previous participation of each in HUD
Form No. 2530 and a disclosure of any possible conflict
hat would be a violation of the Agreement or the
ualifications and experience of the principle participants

ested for applications that are conditionally

ew construction identification and description of the
ghborhood.

permits and zoning requirements.

proposed are reasonable and are comparable to rents
with similar amenities in the same area as the proposed

term of the initial Housing Assistance Payments
racts, extensions and renewals are contingent on the
availability of funding under the Housing Authority's
D".

g Term Affordable Housing

roject-based units in the
term of the "HAP"

10

for Affordable Housing

rate a need for the
roposed as compared to
e community. Housing
eed within a community
score higher under this
using that proposes to
icants should use such
in County Consolidated
port their assessment of

10

pecial Needs population

n whether the building
on.

ncludes any population
eeds which represents a
using Choice Voucher

lable for special needs

	5
d	0

e-in

	15
	10
	5
	0

portunities

cessary piece to meet the ved.	
ort services for the residents	5
ing for the support services	5
s in a census tract with ntal assistance Housing under lease (available at	10

ill be consistent with the Agency Plan.

adults in the household, are required to sign the HUD
nation form. This document incorporates the Federal
conditions under which “HUD” and the Housing

g release of information is in accordance with State and
of family information.

d one to determine the nature and/or severity of a
rate folder and marked "confidential" or returned to the
l information in this folder must not be released except
n accommodation is under consideration. All requests for
based on this information must be approved by the

rocedures are designed to safeguard the privacy of
applicant and participant files will be stored in a secure
horized staff. Staff will not discuss family information
ss reason to do so. Inappropriate discussion of family
mily information by staff will result in disciplinary

to be service directed in the administration of our
emonstrate a high level of professionalism while

ask for a specific change to a policy or practice as an
the Housing Authority will treat a person differently

l;

; or

ch an impairment

efinition used for purposes of determining allowances

holics are covered under the ADA. However, a current
with 5.403, individuals are not considered disabled for
any drug or alcohol dependence. Individuals whose
ctor to their disability are excluded from the definition.
abling mental and physical limitations would persist if

rson with a disability is confirmed, the Housing
third party competent to make the assessment provides
the specific accommodation due to their disability and
qual access to the housing program.

quested accommodation creates an undue administrative
ty will deny the request and/or present an alternate
eed of the person.

at requires a fundamental alteration of the essential
waiving a family obligation).

en considering the available resources of the agency as a
uld pose a severe financial hardship on the Housing

itten decision to the person requesting the
ndar days. If a person is denied the accommodation or

he Administrative Plan regarding public notices (see
g list in "Applying for Admission" chapter.)

BV" program must submit a pre-application in a written
Applications will be made available in an accessible
disability.

ersons with disabilities, upon request, the information
quested, it will be mailed in an accessible format.

ligibility appointment in the applicant's own
or a request for accommodation is requested by a person
interviewed by the Housing Authority staff to review the
Verification of disability as it relates to 504, Fair
ation will be requested at this time.

stions asking all applications whether reasonable

the "PBV" Program are identical to those used in the
units which are occupied by ineligible tenants cannot be
using Authority will inspect each unit proposed for the
that reside in said units.

ed in determining family eligibility, including families
se eligible families whose units are too large or too small
to these situations will be subject to "PBV" Final Rule

guidelines as those for opening and closing the waiting
owing local preference system:

ction (5 points): Families who were receiving Housing
vill take precedence over other waiting list place holders.
ng Choice Voucher Program must be a family displaced
ng disasters recognized by the Federal government,
or destroyed their dwelling or is:

city/county officials of a local code enforcement office
afe, adequate shelter, has one or more critical defects or
ts requiring considerable repair or endangers the health,
of the family.

t for habitation by a government agency.

): Current members of the military, veterans, or
s may qualify for this preference. Applicants must
ischarge. If discharge is less than honorable, applicant
lity to receive veteran's benefits.

ts): Families who live, work, or have been hired to
unty and/or residents moving to San Joaquin County who
proved Cal Work's Program at the time of submission of

or who have been notified that they are hired to work in
nust be treated as residents of the residency preference
may treat graduates of or active participants in,
ams in a residency preference area as residents of the
he education or training program is designed to prepare
t.

ire a response will state that failure to respond within 10
eing dropped from the waiting list. An extension of 30
ted and needed as a reasonable accommodation for a

using Authority's request for information or updates
the Housing Authority will reinstate the applicant in the
st.

vithout a forwarding address, the applicant will be
nvelope and letter will be maintained in the file. If a
ss, the Housing Authority will make no more than two
etter to the new forwarding address before cancelling the

ng list for failure to respond, they will not be entitled to
ompliance Supervisor determines there were
ol.

riod of 30 days after completion of the purge. Applicants
l be reinstated.

an applicant does not meet the criteria for receiving
e applicant with written notice of the determination. The
he reason(s) for the decision, and state that the applicant
cision within 10 business days of the denial. The
btain the informal review. The informal review process
strative Plan.

made.

applicants referred by owners onto the “PBV” waiting

he “PBV” are similar to those used for the tenant based
.

abled Families

lderly or disabled families may enter into contract under
elderly family is defined as a family whose head,
son who is 62 years of age or older. A disabled family is
sole member is a person with a disability [24 CFR

on for units in the project based development designated
ng elderly or disabled families to fill these units, the
references established in this Administrative Plan. The
against elderly or disabled families that include children
.

occupy the units in a designated senior Project Based
ority may allow near-elderly families to occupy the
whose head, spouse, or co-head is at least 50 years old
ere are insufficient elderly families on the waiting list
cher Program development designated as a senior
lected.

lity/ Obligation of the Family

and obligations of the Housing Authority, the

housing goals and comply with equal opportunity

ed persons secure satisfactory housing

families, determine eligibility, maintain the waiting list,
ch selected family, and provide housing information to

the assisted unit at admission and during the family's
n

e of citizenship and eligible immigration status in
art 5

assisted occupancy begins and annually inspect at least
roject based units or as deemed appropriate by 24 CFR

he housing assistance payment for a family

ent to the owner and whether the rent is reasonable

tance payments to an owner in accordance with the

ze, composition at admission, and annually during the
e program. The examination includes verification of
leductions and other family information

lity allowance schedule

e housing assistance payments contract with an owner,

t and rental functions for the assisted unit, including
Housing Choice Voucher PBV waiting list to lease the
mily is suitable for tenancy of the unit.

y to eligible “PBV” families.

ordance with “HQS”, including performance of ordinary
ance.

ortunity requirements.

nformation required under the HAP contract.

:
sit required under the lease.
ution (the part of rent to owner not covered by the
payment).
nit damage caused by the family.

e lease.

ess paid by the family under the lease).

dwelling unit occupied or to be occupied by a person
.

rticipant family under the program.

inspect the unit: The family must allow the Housing
sonable times and after at least 24 hours notice.

ay not commit any serious or repeated violation of the

ermination: The family must provide the owner at least
opy to the Housing Authority before the family moves

y must promptly give the Housing Authority a copy of
es.

sisted unit for residence by the family. The unit must be
.

mposition of the assisted family residing in the unit, the
the addition of any household member. The Housing
ner the appropriate form for the owner to sign. The
prove the composition of the assisted family residing in
romptly inform the Housing Authority of the birth,
custody of a child. The family must request approval
y to add any other family member as an occupant of the
reside in the unit (except for a foster child/foster adult
sing Authority has given approval, a foster child/foster
reside in the unit.

notify the Housing Authority any family member no

he Housing Authority of its absence from the unit.

the family is residing in the unit. The family may be
ays. The family must request permission from the
ceeding 30 days. The Housing Authority will make a
ess days of the request. An authorized absence may not
nt for more than 30 days without authorization will be
m.

but are not limited to:

rol of the family (i.e., death in the family, other family

emed necessary by the Housing Authority

ay not own or have any interest in the unit.

ns: The members of the family must not commit fraud,
minal act in connection with the program.

members of the family may not engage in drug-related
iminal activity.

isted family or members of the family, may not receive
ssistance while receiving another housing subsidy, for
, under any duplicative (as determined by HUD or in
s) Federal, State or local housing assistance program.

ult is a person 18 years old or older.

number of bedrooms on the voucher, not the family's

for each two family members. The Housing Authority
acteristics including sex, age, or relationship.
ical reasons and the presence of a live-in aide.

s one bedroom to two people within the following

determining unit size only if they will be in the unit for

e provided a separate bedroom. No additional bedrooms
nily.

who is away at school but who lives with the family

family member, other than a spouse, who will be absent
r who is away in the military.

have separate bedrooms.

cated a zero or a one bedroom voucher.

for Determining Bedroom Size

Persons in Household	
Minimum Number	**Maximum Number**

ne payment standard because the rent is reasonable
m would be eligible to live in the unit. Conceivably, a
ligible if the family's portion of the rent exceeded 40%.
re affordable housing for families and allowing the
ent standard defeats the assurance of affordable housing.

d with Low Income Housing Tax Credits ("LIHTC"); the
n. If a "LIHTC" development is located outside a
high as the rent charged for comparable units in the
t without additional rental assistance. That is, if the rent
maximum voucher payment standard, the rent allowed
the payment standard and up to the amount charged in

ntract has to be approved by the Housing Authority. The
sed vouchers remains at 30% of the adjusted income for
e tenant-based voucher program).

ion

least annually. Income limits are not used as a test for

eexamination tracking system and the household will be
their interview. If requested as an accommodation by a
hority will provide the notice in an accessible format.
notice to a third party, if requested as reasonable
ities. These accommodations will be granted upon
nted by the disability.

onducting annual recertifications will be:

nt.

to come to the office will be granted an accommodation
's home, upon verification that the accommodation
e disability.

ppropriate recertification procedures necessary to ensure
s is complete and accurate.

te the recertification form.

turned eligibility package provided by the family and
om the recertification package. In addition, all third
verified. The family is required to complete a "Personal

uired to complete the recertification package.

ertify
tion package or fails to provide required information, a
ne call will be conducted.

ly and all efforts have been exhausted, the eligibility
rmination and offer them an informal hearing.

e by the Leasing Manager if the family is able to
evented them from providing verification or if requested
son with a disability**.**

e is mailed to the family prior to the scheduled effective

ore the scheduled effective date of the annual
ill be effective on the first of the month following the

material omission by the family, or if the family causes
there will be a retroactive increase in rent to the
certification.

ve on the anniversary date. If the family causes a delay
on is not complete by the anniversary date, rent change
onth following completion of the reexamination

nges in household composition within 30 days of the
irth, adoption and court-awarded custody. The family
nd the Housing Authority prior to all other additions to

ily income must include any income of the new family
nduct a reexamination to determine such additional
justments in the housing assistance payment and family

tatus of additional family members must be declared and
regular recertification after moving into the unit.

was reported, if the change was reported in writing on
onth. If reported after the fifteenth (15th) day of the
rtion of rent will be effective on the first day of the
ted.

tion error at admission to the program or at an annual
will be conducted, if necessary, to correct the error, but
ely. Families will be given decreases, when applicable;
hange would have been effective if calculated correctly.

Requirement

eet or exceed Housing Quality Standards prior to entering

or less in rehabilitation costs to meet HQS in order to be
sed existing program.

contract, the Housing Authority will inspect 25% of the
ine annual HQS compliance. Any time that significant
rity will inspect all units within that project annually.

nued Assistance

unit for at least twelve (12) months may move with
Housing Choice Voucher or its equivalent. This only
under lease after January 16, 2001.

cher is available at that time, the family will be given the
milies on the waiting list. Targeted vouchers (i.e.,
sed for this purpose.

OMMITTEE[24 CFR 984.202]

inating Committee (PCC) whose functions are to assist
ic and private resources for the operation of the FSS
cluding assisting with the Action Plan. Memberships for

URES [24 CFR 984.203]

through the Public Housing or the Housing Choice
without consideration of race, color, religion, sex,
n. A family may participate in the FSS program only

R 984.204]

HUD, make available common areas in public housing to
S program

N [24 CFR 984.303]

S program must enter into a contract of participation
d by the head of the family. The contract includes the
, including the responsibilities of the family and the HA.
mily may request an extension for up to two years. This
clude a description of the need for the extension. The
vided there is good cause.

vidual Training and Services Plan (ITSP), which outlines
ines established by the family and approved by the HA
ward fulfilling its obligations under the contract of
pecific goal for families receiving welfare assistance to
n free at least one year before the expiration of the term

for participating families, in a single account, according
an increase in the family's share of rent. The HA must
mily on the status of the account. The HA will perform
w Calculation worksheet at each annual reexamination
e family is entitled to an escrow deposit.

yments to the FSS escrow account when the family has
act is terminated.

their contract, the head of the family shall be paid the
nust submit a certification to the HA that no member of
ssistance. The HA will conduct a 3rd party verification to
assistance.

fulfilled certain interim goals and needs some additional
er education, job training, improve credit, or to meet
a small business, the HA may permit the family to use
nt. The family must provide receipts to the HA to

e contract is terminated or the contract is completed but
at the time the contract expires.

S

t for a minimum period of 12 months after the effective
t is selected by the family for the FSS program. After the
tside the initial HA jurisdiction.

FSS program of the initial HA if the family demonstrates
ements. If the receiving HA accepts the FSS family into

e second appointment, and has not rescheduled or made
ty will send the ITSP member a notice of termination
he head of the family may continue participating in the
ember who failed to appear from the above mentioned

e by the Director of Rental Assistance or his/her
nt an emergency situation that prevented them from
r if requested as a reasonable accommodation for a

he FSS Program, if an FSS family is terminated based on
tions, or if the family is denied a contract extension,
within ten (10) business days to request an appeal
duled within ten (10) business days after the receipt of

irectly or indirectly ~~not~~ involved in the administration of
will conduct the hearing. The person conducting the
he day to day operation of the Housing Authority's FSS
vailable for questions during the appeal hearing. At the
nity to question the basis for the FSS Coordinator's
ed in writing of the decision of the appeal within ten (10)

te.

is published monthly by the Department of Labor as

ystem

oration

Act - Social Security taxes

term has been replaced by the term Total Tenant

opment Act

ablished by the U.S. Census Bureau

al Area established by the U.S. Census Bureau

Y "PROJECT RESERVE")
by which the maximum payment to the Housing
g a Housing Authority fiscal year) exceeds the
ount is used as the source of additional payments for

.S.C. 12101 et seq.)

ons.

or administration of the program.

rmerly "Operating reserve")
om excess administrative fee income. The
ousing purposes.

or a family (first day of initial lease term). This is
ant in the program.

Housing Authority for a funding increment.

CT (ACC)
ing Authority. Under the contract, HUD agrees to
, and the Housing Authority agrees to comply with

s defined in the regulations. Includes tenants
e Payments, or HCVP assistance and all other 236
aying the 236 market rent or 120% of the BMIR rent,

ongress for payment to Housing Authority's under
Housing Authority program, budget authority is the
to the Housing Authority over the ACC term of the

inors under 13 years of age where such care is
mployed or for a household member to further

y responsible for the lease with the head of
d a spouse and a co-head is never a dependent.

he assisted family and other occupants of the unit.

UTIONS CONTRACT

boundary with the MSA in which the jurisdiction of

g foster children) other than the family head or
isabled person or handicapped person, or is a full-

iliary apparatus for disabled family members which
ed family member) to work..

ection 223 of the Social Security Act. (42

tional impairment that is expected to be of long-
ly impedes his or her ability to live independently;
ependently could be improved by more suitable

as defined in section 102(7) of the Developmental
(42 U.S.C. 6001(7)).

of the above criteria for disabled person.

al action, or a person whose dwelling has been
of a disaster declared or otherwise formally

spouse as determined in accordance with State and

lity income because “annual income” is now used for
e limits.

in this Administrative Plan, which is approved by

an adult under state law.

al rent (contract rent plus any utility allowance) in
ption rent).

disabled families only in excess of three percent
rsable from any other source.

eed 30% of the median income for the area, as
aller and larger families.

t telephone) that would be required to be paid in the
d existing decent, safe and sanitary rental housing of
enities. Fair market rents for existing housing are
ving sizes (number of bedrooms) and are published

rly family or single person as defined in 24 CFR

using assistance payment from the gross rent.

based on the Housing Authority's subsidy standards.

quarters. In the voucher program the Housing
to one hundred ten percent (110%) of the FMR.

l, or private agencies appointed by the State, to
ldren.

al training on a full-time basis.

D to a Housing Authority under the consolidated
Authority programs.

llowance. If there is no utility allowance, rent to

t")

umes legal and financial responsibility for the

ONTRACT
Housing Authority and an owner in the form
e Housing Authority agrees to make housing
f an eligible family.

TIVE AND AGENCY PLAN
ar Agency Plan as adopted by the Housing Authority
rt 903 of this chapter.

S)
using assisted under the tenant-based programs.

uarters as regulations, Federal Register notices or
t-based housing.

alue during two years preceding examination or

e of assets. This calculation is used when assets

sing Authority that originally selected a family that
f the selecting Housing Authority; and a Housing
cides to move out of the jurisdiction of the absorbing

HAP contract term.

ion of State law providing specifically for housing

HUD to reduce the debt service payments and,
(d)(3) BMIR projects. Includes monthly interest
ection 236 projects and front-end loan discounts

authority under State and local law to administer the

erty or his/her representative or the managing agent
ed by the owner.

tenant for the leasing of a dwelling unit to the
or occupancy of the dwelling unit by a family with
ontract between the owner and the Housing

or disabled person and who is determined to be
rson and is not obligated for the support of the
except to provide necessary supportive services.

to select among applicant families without regard to

insured/subsidized multi-family housing to collect
subsidized units in an FHA insured multi-family
ceive project-based rental assistance, under the
Programs, the Market Rate Rent is that rent
For BMIR units, Market Rent varies by whether the

ical insurance premiums that are anticipated during
ted, and that are not covered by insurance. A
allowances are given when calculating adjusted
ee percent (3%) of annual income.

g foster children) other than the family head or

on status and without citizens and eligible
04(b)(3).

or Adjusted Income.

the United States, for example, as a result of birth in

ns.

o lease or sublease a unit to a participant.

ng Authority's voucher program. The family
f the first HAP contract executed by the Housing
ease term).

(before deducting the family contribution). The
n the range from 90 to 110 percent of the current

tic that renders a person an individual with a

e Voucher tenant-based assistance outside the

ng unit is located, including common areas and

unit that is for the exclusive use of an assisted family.

ssistance program under 24 CFR Part 982.

tity that was administering a Housing Choice
n pursuant to a contract with the contract
a Housing Authority) on October 21, 1998

Housing Authority that is administering a tenant-
es that such Housing Authority is not administering
ofit entity or a governmental entity or public body
administer the program in such area

rged for comparable units in the private unassisted
or comparable unassisted units in the premises.

ves a family selected for participation in the tenant-
. The receiving Housing Authority issues a voucher
y.

ss of securing documentation of total family income
for the next 12 months if there are no additional
interim re-certifications.

AMILY
nily members have left and become unassisted.

under the lease for the unit. Rent to owner covers
ce and utilities that the owner is required to provide

on of families that reside anywhere in a specified

aid rent, damages or other amounts to the owner

ce (including the active reserve) of the United States.

ne.

Housing Authority waiting list or without considering

he special regulatory requirements for SRO housing,
using, cooperatives (including mutual housing), and
d home space rental).

nrecurring including gifts are excluded from annual

hold.

eption of a project owned by a cooperative housing
eceives the benefit of subsidy in the form of:

to Section 221(d)(3) and (5) or interest reduction
the National Housing Act; or

ction 101 of the Housing and Urban Development

nt sizes and compositions.

use as a federal preference.

voucher, for such period as determined by the
amily submits a request for Housing Authority
he Housing Authority approves or denies the
allow extensions or suspensions of the voucher term,
nust describe how the Housing Authority determines
nd how the Housing Authority determines the length

, the lease language required by HUD.

de) who execute the lease as lessee of the dwelling

s rent to the unit owner (Housing Choice Voucher
g).

ires the tenant to pay toward rent and utilities.

ily.

his was the term applied to the amounts paid by the

T

total tenant payment for the family occupying the

en a family vacates its unit in violation of its lease,
) of the Contract Rent for a vacancy period of up to
which the vacancy occurred) if s/he notifies the
he vacancy, makes an effort to advertise the unit, and
for good cause.

e does not exceed fifty percent (50%) of the median
with adjustments for smaller and larger families.
ower than fifty percent (50%) of the median income
ch variations are necessary because of unusually high
nit for the Voucher Program.

y or naval service of the United States at any time
ed there from under conditions other than

f its elements the use, attempted use, or threatened
operty of another.

d term (search time).

s, NOT the amount the family is receiving at the time
ocessed.

fare rent is a percentage of the maximum the agency

ead of the household for purpose of determining

nent.

citizenship or eligible immigration status and those
atus.

the United States, for example, as a result of birth in

the United States.

sing.

ering the restrictions on providing assistance to non-
ne Housing Authority).

ncial assistance available for non-citizens unless they
ation status specified in Section 214.