

Graham Housing Authority-  
Admissions and Continued Occupancy Policy

Date Adopted 11-15-99

## SECTION I INTRODUCTION:

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

In order to achieve this mission, we will:

Recognize residents as our ultimate customer.

Improve Public Housing Authority (HA) management and service delivery efforts through effective and efficient management of HA staff;

Seek problem-solving partnerships with residents, community, and government leadership;

Apply HA resources, to the effective and efficient management and operation of public housing programs, taking into account changes in Federal funding.

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

Federal Regulations shall mean those found in 24 Code of Federal Regulations (CFR) Parts 5, and 900.

3. **Primary Responsibilities of the HA:**

- A. Informing eligible families of the availability of public housing assistance;
- B. Determining and posting annually the utility allowances;
- C. Receiving applications from families and determining their eligibility for assistance.
- D. Inspecting Public Housing units to determine that they meet or exceed Housing Quality Standards;

- E Approving leases;
- F Collection rent on a monthly basis from tenants;
- G. Annual re-examinations of income, family composition and re-determination of rent;
- H. Authorizing and processing evictions; and
- I Ongoing maintenance and modernization of the public housing inventory.

4 Objectives: The objectives of this policy are to:

- A. Promote the overall goal of drug free, decent, safe and sanitary housing by
  - (1) Insuring a social and economic mix of residents within each public housing neighborhood in order to foster social stability and upward mobility.
  - (2) Insuring the fiscal stability of the HA.
  - (3) Lawfully denying admission or continued occupancy to applicants or tenants whose presence's in a public housing neighborhood are likely to diversely affect the health, safety, comfort, or welfare of other residents or the physical environment of the neighborhood or create a danger to HA employees.
- B. Facilitate the efficient management of the HA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the HA inventory and staff.
- C. Comply in letter and spirit with Title VI of the Civil Rights Act of 1964, and all other applicable Federal laws and regulations to insure that admission to and continued occupancy in public housing are conducted without regard to race, color, religion, creed, sex, national origin, handicap, or familial status.

5. Outreach: As much information as possible about Public housing may be disseminated through local media. For those who call the HA Office, the staff may be available to convey essential information.

The HA may hold meetings with local social community agencies.

The HA may make known to the public, through publications in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families. The

notice shall inform such families where they may apply for Public Housing. The HA shall take affirmative actions to provide opportunities to participate in the program to persons who because of such factors as race, ethnicity, sex, of household head, age, or source of income, are less likely to apply for Public Housing.

## SECTION II. FAIR HOUSING POLICY

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

Specifically, the HA shall not on account of race, color, sex, religion, creed, national or ethnic origin, familial status, disability or handicap, deny any family or individual the opportunity to apply for or receive assistance under HUD's Public Housing Programs, within the requirements and regulations of HUD and other regulatory authorities.

To further its commitment to full compliance with applicable Civil Rights laws, the HA will provide access to information to public housing residents regarding "discrimination". Also, this subject will be discussed during the briefing session and any complaints will be documented and made part of the applicant's/tenants' files.

The HA shall not, on account of race, color, sex, religion, creed, national or ethnic origin, familial status, disability or handicap:

- (a) Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
- (b) Provide housing which is different from that provided others;
- (c) Subject a person to segregation or disparate treatment;
- (d) Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
- (e) Treat a person differently in determining eligibility or other requirements for admission;
- (f) Deny a person access to the same level or services; or

(g) Deny a person the opportunity to participate in a planning or advisory group, which is an integral part of the housing program.

The HA shall not automatically deny admission to a particular group or category of otherwise qualified applicants (e.g. families with children born to unmarried parents, elderly families with pets, or families whose head or spouse is a student). Each applicant in a particular group or category must be treated on an individual basis in the normal processing routine.

The HA will identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504, and the Fair Housing Amendments Act of 1988, the HA will make reasonable accommodations, to permit people with disabilities to take full advantage of the housing program.

In making reasonable accommodations for otherwise qualified persons with disabilities, the HA is not required to:

Make each of its existing facilities accessible, or make structural alternative when other methods can be demonstrated to achieve the same effect.

Take any action that would result in a fundamental alteration in the nature of the program.

The HA will not permit these policies to be subverted to do personal or political favors. Accepting an applicant from a lower waiting list position before one in a higher position violates policy, federal law and the civil rights of the other families on the waiting list.

### **SECTION III. DECONCENTRATION PLAN**

With respect to selection of families to lease units in the Public Housing program, selection will be in such a manner as to avoid concentration of the most economic and socially deprived families in one or all the developments operated by the Housing Authority and to provide for income mixing by bringing higher income tenants into lower income public housing communities and bringing lower income tenants into higher income public housing communities.

The HA shall categorize assisted tenants in all programs by income in one of the following groups:

Extremely Low Income-	Not more than 30% of the area's median income
Very Low Income-	More than 30% but not more than 50% of the area's median income.
Lower Income-	More than 50% but not more than 80% of the area's median income.
Over Income-	More than 80% of the area's median income.

The area's median income shall be defined by HUD, adjusted for family size and is subject to periodic change.

The HA shall categorize each applicant for assistance for all programs in the same manner as presented above.

The HA shall utilize information from these categories and other statistical information concerning income distribution in the HA's area of operation as may be provided from time to time by the U.S. Department of Housing and Urban Development (HUD) to develop goals designed to achieve the deconcentration and income mixing objectives stated herein and to remain consistent with income targeting distribute percentages as required by HUD.

The HA shall review these goals periodically and make appropriate adjustments as may be needed when income distributions in the locality change.

Staff responsible for selection tenants for public housing assistance from the waiting list shall consider income distributions within the community where the unit exists and the goals for that community prior to selection an applicant for occupancy first, then shall select in accordance with prevalent preferences established by this Housing Authority.

#### **SECTION IV. ACCESSIBILITY AND PLAIN LANGUAGE**

At a minimum the HA will prepare the following information in plain-language accessible formats:

Marketing and informational materials

Information about the application process

The Application Form

All form letters, notices, to applicants and residents

General statement about reasonable accommodation

Orientation materials for new residents. The Lease and house rules (if any)

Guidance or instructions about care of the housing unit

Information about opening, updating or closing the waiting list

All information related to applicant's rights (informal hearing, etc.)

## SECTION V PRIVACY RIGHTS

Applicants will be required to sign the Federal Privacy Act Statement, which states under what conditions HUD will release tenant information.

Requests for information by other parties must be accompanied by a signed release request in order for the HA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations. (Reference HUD Form 9886).

## SECTION VI DEFINITIONS OF TERMS

Definitions are amended from time to time and are contained in Section 24 CFR, which are incorporated by references as if fully set out herein. Copies of this regulation are available in the HA Office.

- I. ADJUSTED FAMILY INCOME- Adjusted Family Income is the income on which total tenant payment is to be based and means the Total Annual Income less the following allowances:
- A. A deduction of \$480.00 for each member of the family (other than head of household or spouse) who is (1) seventeen (17) years of age or younger or (2) who is eighteen (18) years of age and a verified full-time student and/or full time student and/or disabled or handicapped according to this Section.
  - B. A deduction of \$400.00 for Elderly Family whose head, spouse or sole member is sixty-two (62) years of age or older and/or handicapped or disabled according to this Section.
  - C. A deduction for any elderly family:
    - (1) That has not Handicapped Assistance Expense, an allowance for medical expenses equal to the amount by which the medical expense shall exceed three (3%) percent of Total Annual Family Income.
    - (2) That has Handicapped Assistance Expensed greater than or equal to three (3%) percent of Total Annual Family Income, an Allowance for Handicapped Assistance computed in accordance with paragraph E of this Section, plus and allowance for medical expenses that is equal to the Family's medical expenses.
    - (3) That has Handicapped Assistance Expenses that are less than three (3%) percent of Total Annual Family Income,

and allowance for combined Handicapped Assistance expense and medical expense that is equal to the amount by which the sum of these expenses exceeds three (3%) percent of Total Annual Family Income. Expenses used to compute the deduction cannot be compensated for nor covered by insurance.

- D. A deduction for any family that is not an elderly family but has a handicapped or disabled member other than the head of household or spouse, Handicapped Assistance Expense in excess of three (3%) percent of Total Annual Family Income, but this allowance may not exceed the employment received by family members who are eighteen (18) years of age or older as result of the Assistance to the Handicapped or Disabled person.
- E. Child Care Expenses: Amounts anticipated to be paid by the Family for 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, and in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment, the amount of income received from such employment. The reasonable amount of charges is determined by the HA, by conducting surveys of local child care providers. The results are posted in the HA office.
- F. Child Support Payments: Any payment made by a member of the family for the support and maintenance of any child who does not reside in the household, except that the amount excluded under this clause may not exceed \$480 for each child for whom such payment is made; except that this clause shall apply only to the extent approved in appropriations Acts.
- G. Spousal Support Expenses: Any payment made by a member of the family for the support and maintenance of any spouse or former spouse who does not reside in the household, except that the amount excluded under this clause shall not exceed the lesser of (1) the amount that such family member has a legal obligation to pay, or (2) \$550 for each individual for whom such payment is made; except that this clause shall apply only to the extent approved in appropriations Acts.



H. Earned Income of Minors- The amount of any earned income of a member of the family who is not

(1) 18 years of age or older; and

(2) The head of the household (or the spouse of the head of the household)

**Note:**

**If the Total Annual Income less the above allowances result in a rent that is less than the established minimum rent, the resident rent will be established at the HA established minimum rent.**

2. ADULTS- An adult is a person who has reached his/her 18<sup>th</sup> birthday or is under 18 years of age and married (not common law), or minors that have been emancipated by court action.

Only people who are adults shall be eligible to enter into a lease agreement for occupancy.

3. BREAK-INS- Break-ins mean bona fide attempts at burglary, which are reported to the police department and are subject to verification by written police reports furnished by the tenant(s).
4. CHILD- A member of the family, other than the family head or spouse, who is under 18 years of age.
5. CHILD CARE EXPENSES- Child Care Expenses are amount anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. In case of childcare necessary to permit employment, the amount deducted must be verified and reflect reasonable charges and shall not exceed the amount of income received from such employment. The HA will not normally determine child care expenses as necessary when the household contains an additional unemployed adult who is physically capable of caring for the children. An example of an exception may be an unemployed adult that is not capable of caring for a child because of some type of disability and/or handicap. The head of household must document the disability/handicap that prevents the adult from providing childcare.
6. CHILD CUSTODY- An applicant/occupant family who does not have full custody of a child/children may only claim a child as a dependent by the following:

- A The applicant/occupant must have primary custody of the child
- B The applicant /occupant must provide sufficient evidence that is the applicant were admitted to public housing the child would reside with the applicant. The same child cannot be claimed by more than one applicant (i.e. counted more than once in order to make two (2) singles eligible).

7 CITIZEN- A citizen or national of the United States.

8. COMMUNITY SERVICE Every adult resident of public housing will be required to perform eight (8) hours of community service each month, or participate in a self-sufficiency program for at least eight (8) hours every month. This requirement does not apply to elderly persons, disabled person, persons, already working, persons exempted from work requirements under State welfare to work programs, or persons receiving assistance under a State program that have not been found to be in noncompliance with such a program.

For the purpose of this policy, community service is the performance of voluntary work duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community in which the resident resides. Political activity is excluded. Each adult resident of a public housing development shall be subject to the community service work requirement except individuals who are otherwise exempt. An exempt individual is:

1. 62 years of age;
2. Is an individual with a vision impairment or other person with disabilities, as defined under 216(I)(1) or 614 of the Social Security Act (42. U.S.C. 416(I)(1) 1382c, and who is unable to comply with this section, or is a primary caretaker of such individual;
3. Is engaged in a work activity as defined under section 407(d) of the Social Security Act (42. U.S.C. 607(d), and in effect on and after July 1, 1997);
4. Meets the requirements for being exempt from having to engage in a work activity under the State program funded under part A of Title IV of the Social Security Act (42. U.S.C. 601 et seq.) Or under any other welfare program of the State in which the HA is located, including a State-administered welfare-to-work program; or

5 Is a family receiving assistance under a State program funded under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.). Or under any other welfare program of the State in which the Public Housing Agency is located, including a State administered welfare to work program, and has not been found by the State or other administering entity to be in noncompliance with such a program.

Except for residents exempted in preceding sections (1)-(5), each adult resident of a public housing development shall:

1. Contribute 8 hours of community service (not including political activities), or
2. Participate in an economic self-sufficiency program, as defined herein, for 8 hours per month.

See Attachment for an explanation regarding the implementation of the Community Service Work requirement.

9. DEPENDENT- A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. An unborn child shall not be considered a dependent.
10. DISABLED PERSON- (See Handicapped Person)
11. DISPLACED FAMILY- A person, or family, displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
12. ECONOMIC SELF-SUFFICIENCY PROGRAM- Any program designed to encourage assist, train, or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, employment training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment.)
13. ELDERLY FAMILY- A family whose head or spouse or whose sole member is at least sixty-two (62) years of age, or disabled, or handicapped and may include two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

14. ELDERLY PERSON- A person who is at least sixty-two (62) years of age.
15. EVIDENCE OF CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS- The documents, which must be submitted to evidence citizenship or eligible immigration status.
16. FAMILIAL STATUS- A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy (unit size)-the same as single persons, and are only entitled to a one bedroom unit. Once the child is born and/or the custody is obtained, the family will qualify for a two bedroom unit and authorized to transfer as outlined in the Transfer Section.
17. FAMILY- The term "Family" means:

Two or more persons who intend to share residency whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship.

Two or more elderly or disabled persons living together, or one or more elderly, near elderly or disabled persons living with one or more live-in aides, is a family.

A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

A single person may be:

- An elderly person
- A displaced person
- A person with a disability
- Any "other single" person

Note:

**Housing assistance limitation for a single person. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family may not be provided (for public housing and other project-based assistance) a housing unit with two or more bedrooms.**

18. FLAT RENTS-The Graham Housing Authority has established flat rents. Based on the average of "rental value" by bedroom size of comparable rents in the area.
- Families selecting the flat rent may have their income reviewed every three years. In the event their annual income decreases they may report the change to request a review.
19. FOSTER CHILDREN- With the prior written consent of the HA, a foster child may reside on the premises. The factors considered by the HA in determining whether or not consent is granted may include:
- A. Whether the addition of a new occupant may require a transfer of the family to another unit, and whether such units are available.
  - B. The HA's obligation to make reasonable accommodation for handicapped persons.
20. FULL-TIME STUDENT- A member of a family (other than the head of household or spouse) who is carrying a subject load which is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with diploma or certificate program as well as an institution offering a college degree. Verification will be supplied by the attended educational institution.
21. HANDICAPPED ASSISTANCE EXPENSE- Reasonable expenses that are anticipated, during the period for which Total Annual Family Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled family member and that are necessary to enable a family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.
22. HANDICAPPED PERSON AND/OR DISABLED PERSON- A person having a physical or mental impairment which:
- A. Is expected to be of long-continued and indefinite duration,
  - B. Substantially impedes his/her ability to live independently, and
  - C. Is of such a nature that such disability could be improved by more suitable housing conditions.

Note:

All three conditions must be met to qualify as handicapped.

A person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C 423) or in Section 102(7) of the Development Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 (7)), or is handicapped as defined below:

D Section 223 of the Social Security Act defines disability as:

- (1) Inability to engage in any substantial gainful activity by 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 (12) months; or
- (2) In the case of any individual who has attained the age of fifty-five (55) and is blind (within the meaning of "blindness" as defined in Section 4161 of this title), inability by reason of such blindness to engage in substantial gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

E. Section 102(5) of the Development Disabilities Services and Facilities Construction Amendments of 1970 defines disability as:

"A disability attributable to mental retardation, cerebral palsy, epilepsy or another neurological condition of an individual found by the Secretary (of Health and Human Resources) to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen (18), which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual."

F. No individual shall be considered to be a person with a disability for purposes of eligibility for low income housing solely on the basis of any drug or alcohol dependency.

23. HARDSHIP (MINIMUM RENT) EXEMPTION- Financial hardship status (suspension) will be granted immediately upon request to families for a period of 90 days, pending verification in the following cases:

1. The family has lost eligibility for, or is awaiting an eligibility determination for a Federal, State, or Local assistance program.

2. The family would be evicted as a result of the imposition of the minimum rent
3. The income of the family has decreased due to changed circumstances, including loss of employment, or
4. The death of a family member.

Verification of the above will result in exemption of the minimum rent for the family. Minimum rents that are exempted will not require reimbursement to the HPHA regardless of the length of time of the exemption.

Families requesting hardships that cannot be verified at the end of the 90-day period will not be granted an exemption. These families will be required to reimburse the GHA. The GHA will offer a reasonable pay back agreement to those tenants whose minimum rent has been suspended.

No family will be evicted during the 90-day suspension period.

24. HAZARDOUS DUTY PAY- Pay to a family member in the Armed Forces away from home and exposed to hostile fire.
25. HEAD OF HOUSEHOLD- The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.
26. HOUSING QUALITY STANDARDS (HQS)- Standards for safe and habitable housing established by Department of Housing and Urban Development and the Housing Authority. The HA will maintain public housing units in compliance with HQS standards that meet or exceed HQS.
27. INCOME EXCLUSIONS- Annual Income does not include such temporary, non-recurring or sporadic income as the following:
  - A. Casual, sporadic, temporary, nonrecurring income, including gifts.
  - B. Amounts that are specifically received from, or are reimbursement of, the cost of illness or medical care.
  - C. Lump-sum additions to family assets, such as, but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for person or property losses.

- D. The full amount of student financial assistance paid directly to the student or the educational institution.
- E. Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4636).
- F. The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1973 (7 U.S.C. 201(b)).
- G. Payments received by participants or volunteers in programs pursuant to the Domestic Volunteers Service Act of 1973 (42 U.S.C. 5044 (g); 5058).
- H. Income of a live-in aide (as defined in this policy).
- I. Payments received from the Job Training Partnership Act (20 U.S.C. 1552(b)).
- J. Hazardous Duty Pay for a family member in the Armed Forces away from home and exposed to hostile fire.
- K. Payment received for the care of foster children.
- L. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(a)), or reparation payments made by foreign governments in connection with the Holocaust.
- M. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459(e)).
- N. Payments or allowances made under the Department of Health and Human Services Low-Income Home Energy Assistance Program (42 U.S.C. 8624 (f)).
- O. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. Law 94-540, 90 Stat. 2503-2504).
- P. The first \$2,000.00 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 U.S.C. 117(b), 1407).
- Q. Payments from Programs under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056(f)).



- R Amounts received under training programs funded by HUD.
- S Amounts received by a disabled person that are disregarded for a limited time for purpose of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-sufficiency (PASS).
- T Amounts received by participants in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) And which are made solely to allow participation in a specific program.
- U For taxable years after December 31, 1990, the earned income tax credit refund. Effective Date: July 25, 1994.
- V A resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by public housing resident for performing a service for the HA, on a part-time basis, that enhances the quality of life in public-housing. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No Resident may receive more than one such stipend during the same period of time.
- W. Compensation from State of local employment training program 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 a limited period as determined in advance by the HA.
- X. For all initial determinations and re-examinations of income carried out on or after April 23, 1993, 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.
- Y. Earning in excess of \$480 for each full-time student 18 years of old or older (excluding the head of household and spouse).
- Z. Adoption assistance payments in excess of \$480 per adopted child.
- AA. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment received on or after October 29, 1992.

BB. 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.

CC. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

28. INCOME TARGETING- (See Section III, Deconcentration Plan).

29. INFANT- A child under the age of two years.

30. INTERIM REDETERMINATION OF RENT- Changes of rent between admissions and re-examinations and the next succeeding re-examinations.

31. INS- The U.S. immigration and Naturalization Service.

32. LIVE-IN AIDE- A person who resides with an Elderly, Disabled, or Handicapped person or persons and who:

- A. Is determined by the HA to be essential to the care and well-being of the person(s).
- B. Is not obligated for support of the person(s).
- C. Would not be living in the unit except to provide supportive services. The income of a Live-in Aide that meets these requirements is not included as income to the tenants family.

Relatives aren't automatically excluded from being live-in aides, but they must meet all of the elements for live-in aide described above. They must also sign a statement prior to moving in relinquishing all rights to the unit as the remaining member of a resident family.

A Live-In Aide will be required to meet HA's screening requirements with respect to past behavior especially:

A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors;

Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related-criminal activity which would adversely affect the health safety, or welfare of other residents or staff or cause damaged to the unit of the development; and

A record of eviction from housing or termination from residential programs.

**Note:**

\* A live-in aide must be approved in advance, by the HA and must meet the eligibility requirements for public housing occupancy. The HA has the right to disapprove a request for a live-in aide based on eligibility criteria.

33. LOWER INCOME FAMILY- A family whose Annual Income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD.
34. MEDICAL EXPENSE- Those necessary 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. Medical expenses, in excess of three percent (3%) of Annual Income, are deductible from income by elderly families only.
35. MITITARY SERVICE- Military Service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and since July 29,1945, the commissioned corps of the United States Public Health Service.
36. MINIMUM RENT- Minimum rent is \$50.
37. MINOR- A "minor" is a person under eighteen years of age. Provided, that a person under eighteen years of age and has been declared "emancipated" by court action shall not be considered a minor. (An unborn child may not be counted as a minor).
38. MIXED FAMILY- A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
39. MONTHLY ADJUST INCOME- One twelfth of Adjusted Annual Income.
40. MONTHLY INCOME- One twelfth of Annual Income. For purpose of determining priorities based on an applicant's rent as a percentage of family income, family income is the same as monthly income.

41. NATIONAL- A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.
42. NEAR ELDERLY- A family whose head or spouse or "sole member" is at least fifty years of age, but below the age of sixty-two.
43. NET FAMILY ASSETS- Net Family Assets means the net cash value after deducting reasonable costs that would be incurred in disposing of real property, checking and savings accounts, stocks bonds, cash on hand, and other forms of capital investment, excluding interest in Indian trust land and excluding equity accounts in HUD home ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by or under 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.) In determining Net Family Assets, this HA 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 (2) years preceding the date of application for the program or re-examination, 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 less than fair market value if the applicant or Tenant received important consideration not measurable in dollar terms.
44. NONCITIZEN- A person who is neither a citizen nor national of the United States.
45. PET POLICY- A resident may own or have present, a common household pet in accordance with the Pet Policy established by the Graham Housing Authority.
46. PHASE-IN PERIOD OF NEWLY EMPLOYED INCOME- There will be a two-year phase-in period in any rent increases for a newly employed family. This phase-in applies when incomes of newly employed families, (and have been unemployed for at least one year) increases and there is a resulting increase in rent and their rental contribution. For the initial 12-month period, the family's rent will not be increased. For the second 12-month period the family's rent can be increased by the amount representing up to 50% of the total rent increase normally applicable in the absence of the provision. In the third year, the balance of the rent increase can be phased in.
47. PUBLIC HOUSING AUTHORITY (HA)- Any State, County, Municipality or other government entity or public body (or agency or instrumentality thereof) that

is authorized to engage in or assist in the development of operation of housing for lower income families.

48. RECERTIFICATION- Recertification is sometimes called re-examination. The process of securing documentation that indicated that tenants meet the eligibility requirements for continued occupancy.
49. RE-EXAMINATION DATE- The date on which any rent change is effective or would be effective if required as a result of the annual re-examination of eligibility rent. The re-examination date is the anniversary date of admission.
50. REMAINING MEMBER OF THE RESIDENT FAMILY- The person(s) of legal age remaining in the public housing unit after the person(s) who signed the lease has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstances. An individual must occupy the public housing units to which he claims head of household status for one year before becoming eligible for subsidized housing as a remaining family member. This person must complete forms necessary for housing within ten days from the departure of the leaseholder and may remain in the unit for a reasonable time pending the verification and grievance process. The person must, upon satisfactory completion of the verification process, then execute a new lease and cure any monetary obligations in order to remain in the unit.

The HA will not hold remaining family members (other than head or spouse) responsible for any portion of the arrearage incurred prior to the remaining member attaining age 18.

Any person who claims him or herself as a remaining member shall, in the event that the HA declares him or her ineligible for remaining member status, be entitled to the grievance process upon notice to him or her that she is not considered to be a remaining member of the household. This grievance process must be requested in writing within ten days from the date of the departure of the head of household by the person requesting remaining member status. In the interim time between the time of the request for the grievance process and the decision by hearing officer, all rent which was due pursuant to the lease, shall be deposited into an escrow account with the HA under the same provisions as those relating to tenants requesting a grievance hearing relating to rent under the grievance process. The HA does not recognize the person as a tenant by giving him or her the opportunity for a grievance hearing. A remaining member shall not be considered to be a tenants until such time as a new lease is executed by the HA and the person granted tenant status after the verification status.

51. RESIDENT CHOICE- Families may choose rental payments annually based on either a flat rent or the income-based rental method. Tenants may choose to pay the income-based rental payment, which does not exceed 30 percent (30%), of their adjusted monthly income.

## Public Housing Admissions/Continued Occupancy Policy

Section 46- Phase in period of newly employed income is Amended in accordance with Section 508 of the Quality Housing and Work Responsibility Act to add:

- (1) A family whose earned income increases during the participation of a family member in any family self-sufficiency or other job training programs; or
- (2) Who is or was, within 6 months assisted under any state program for temporary assistance. Needy families funded under part A of title IV of the Social Security Act and whose earned income increases.

This section repeals the previous 18 month disallowance of earned income for eligible TANF families. Those families actively in the 18 month period may continue to receive the income disallowance. Rent may not be increased as a result of the income due to employment during the 12 month period beginning on the date on which the employment is commenced.

And

Upon expiration of the 12 month period, for the next 12 month period rent may not be increased more than 50% of the total amount that would be applicable.

Families choosing the flat-rent may have their incomes reviewed every three years. In the event a family's income decreases due to financial hardship, tenants may elect to pay an income-based rent because the higher flat rent is not longer affordable.

52. SINGLE PERSON- A person who lives alone, or intends to live alone, and who does not qualify as an elderly family, or a displaced person, or as the remaining member of a Tenant Family.
53. SPOUSE- A spouse is the legal husband or wife of the head of the household.
54. TEMPORARILY ABSENT FAMILY MEMBERS- Any person(s) on the lease that is not living in the household for a period of more than thirty (30) days is considered temporarily absent.
55. TENANT RENT- The amount payable monthly by the Family as rent to the HA.  
**The monthly rent that is payable by the tenant must be paid in full, no partial payments will be accepted.**
56. TOTAL ANNUAL FAMILY INCOME- Total Annual Family Income is the anticipated total income from all sources received by the family head or spouse (even if temporarily absent) and by each additional member of the family,

including all net income derived from assets, for the 12-month period following the effective date of initial determination or re-examination of re-examination of income, exclusive of certain other types of income specified in this policy.

Total Annual Family Income includes, but is not limited to, the following:

- A. The full amount, before any payroll deduction, of wages and salaries, and overtime pay, including compensation for personal services (such as commissions, fees, tips, and bonuses):
- B. 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 other 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.
- C. Interest dividends and other net income of any kind from real or personal property. (For this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property). An allowance for depreciation is permitted only as authorized in Paragraph B 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 \$5,000.00, Annual Assets or a percentage of the value of such based on the current passbook savings rate as determined by HUD.
- D. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefit and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment; (Excluding lump sum supplemental security income (SSI) and Lump Sum Social Security Benefits (SS)).
- E. Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and severance pay, but see Paragraph 25-C in this section.

- F. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts, including amounts received from any persons not residing in the dwelling. If the payments actually received are different than the determined amount, rent can be adjusted in accordance with the dwelling lease.
- G. All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances for dependents, etc.) received by a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other family member whose dependents are residing in the unit. (but see "hazardous duty pay")
- H. Payments to the head of the household for support of a minor or payments nominally to a minor for his support but controlled for his benefit by the head of the household or a resident member other than the head, who is responsible for his support.
- I. Veterans Administration compensation (Service Connected Disability of Death Benefits.)

If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a re-determination at the end of the shorter period.

Residents that receive lump-sum payments that are included as income and fall in the categories listed above, (excluding Lump Sum Supplemental Security Income (SSI) and Lump Sum Social Security Benefits (SS)), must report the income to the HA as soon as possible but no later than 10 calendar days after receipt of the funds and the applicable portion of the payment that is due as back rent is due fourteen (14) days after the HA notifies the family of the amount due.

Unreported Income: If a tenant fails to report income the tenancy may be terminated under the terms of the HA's lease. If the unreported income was unintentional by the tenant the tenant will be billed for the amount due the HA and the amount will be payable. If the payment cannot be made in one payment, the tenant may request the HA to approve a repayment schedule. Any repayment agreement must be in writing and signed by the Tenant and a HA representative.

57. TOTAL TENANT PAYMENT (TTP)- The TTP for families participating in the Public Housing Program must be at least \$50, which is the current minimum rent established by the HA.



- A. For the Public Housing program, the TTP must be the greater of
- (1) 30 percent of family adjust income;
  - (2) 10 percent of family monthly income;
  - (3) \$50, which is the current minimum rent set by the HA, or
- B The flat rent. The resident may elect the flat rent in lieu of the rent calculated in paragraph "A" above.
58. UTILITIES- Utilities may include water, electricity, gas, other heating refrigeration and cooking, fuels, trash collection, and sewerage. Tenants pay electric and gas.
- Telephone and cable television service is not a utility.
59. VERY LOW-INCOME FAMILY- A very low-income Family means a family whose annual income does not exceed fifty (50%) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, as determined by the Department of Housing and Urban Development.
60. WAGE EARNER- A person in a gainful activity who received any wages. Said wages or pay covers all types of employee compensation including salaries, vacation allowance, tips, bonuses, commissions and unemployment compensation. The terms "Wage Earner" and "Worker" are used interchangeable.
61. WELFARE ASSISTANCE- Welfare or other payments to families or individuals based on need, that are made under programs funded, separately or jointly, by Federal, State or Local governments.

## SECTION VII. APPLICATIONS AND OTHER REQUIRED FORM

1. How to Apply- Families wishing to apply for Public Housing shall be required to complete an application and other required forms. All Applications must be signed and dated by the applicant and spouse, and all adult family members, if possible.

Applications will be accepted at 109 East Hill Street, Graham, NC 27253 on the second Tuesday of each month.

From 8:00-11:00am and 1:00-4:00pm

Individuals who have a physical impairment which would prevent them from completing an application in person may call the HA to make a special arrangements to complete their application.

Applicants will be advised that they are required to keep the HA advised at all times of their mailing address and the current family status.

If an applicant claims they did not receive a letter mailed by the HA, that requested the applicant to provide information or to attend an interview, the HA will determine whether the letter was returned to the HA. If the letter was not returned to the HA, the applicant will be assumed to have received the letter.

### SECTION VIII. APPLICANT SCREENINGS/SELECTION CRITERIA

In cooperation with local, State, and Federal law enforcement officials and court the HA conducts extensive screening of applicants prior to providing assistance. Such screening includes; reviewing police and court records, credit payments history, and landlord references, checking with probation officers, and local social service providers. Such screening will be conducted for all household members 16 years of age or older to ascertain past drug or criminal activity.

During screening the HA will require applicants to demonstrate ability to comply with essential provisions of the lease as summarized below:

- I. All applicants must demonstrate through an assessment of current and past behavior of the ability:
  - (a) to pay rent and other charges as required by the lease in a timely manner;
  - (b) to care for and avoid damaging the unit and common areas;
  - (c) to use facilities and equipment in a reasonable way;
  - (d) to create no health, or safety hazards, and to report maintenance needs;
  - (e) not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
  - (f) not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff; and not to engage in drug-related criminal activity on or off the premises;
  - (g) to comply with necessary and reasonable rules and program requirements of HUD and the HA;
  - (h) to comply with health and safety codes.

- 2 The HA will check the applicants ability to comply with essential lease requirements.
- (a) Applicant ability and willingness to comply with the essential lease requirements will be checked in accordance with HIA's applicant screening. Information to be considered in completing applicant screening shall be reasonable related to assessing the conduct of the applicant and other family members listed on the application, in present and prior housing.
  - (b) The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:
    - (i) Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
    - (ii) Adversely affect the physical environment or financial stability of the project;
    - (iii) Violate the terms and conditions of the lease;
    - (iv) Require services from HA staff that would alter the fundamental nature of HA's program.
  - (c) HA will conduct a detailed interview of all applicants using an interview checklist. The checklist is part of the screening procedure used in support of this policy.
  - (d) Payment of funds owed to any HA is part of the screening evaluation. Payment of outstanding balances is an opportunity for the applicant to demonstrate an improved track record. Any balance owed to any HA for any program must be paid in full prior to the applicant being determined eligible for assistance.
  - (e) HA will complete a criminal background check on all applicants including other family members 16 years of age and older.
  - (f) All applicants are required to attend a pre-occupancy interview.
  - (g) HA's examination of relevant information regarding past and current habits or practices will include, but is not limited to, an assessment of:
    - (j) ✓ The applicants past performance in meeting financial obligations, especially rent.

- (ii) A record of disturbance of neighbors (disturbances sufficient to warrant a police call) destruction of property, or living, or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors.
- (iii) An history of criminal activity on the part of any family member involving crimes of physical violence to person or property, and other criminal acts including drug-related criminal activity which would adversely affect the health, safety, or welfare of other residents or staff or cause damages to the unit of the development.
- (iv) A record of eviction from housing (taking into account date and circumstances.)
- (v) An applicant's ability and willingness to comply with the terms of HA's lease.
- (vi) An applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowance, family composition or rent will result in rejection.
- (vii) Applicants must be able to demonstrate the ability and willingness to comply with the terms of HA's lease, either alone, or with assistance, which they can demonstrate that they have, or will have at the time for admission. Availability of assistance is subject to verification by the HA.

3  
1 Screening applicants who claim mitigating circumstance.

- (a) If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. To be factored into HA's screening assessment of the applicant, mitigating circumstances must be verified.
- (b) Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which when verified, would indicate both:
  - (1) The reason for the unsuitable rental history and/or behavior;
  - (2) That the reason for the unsuitable rental history and behavior is no longer in effect or is under control and applicant's prospect for lease compliance is an acceptable one, justifying admission.

Mitigating circumstances would overcome or outweigh information already gathered in the screening process.

- (c) If the mitigating circumstances claimed by the applicant related to a change in disability, medical condition or course of treatment, HA shall have the right to refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. HA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstance or, in the case of a person with disabilities to verify a reasonable accommodation.
- (d) Examples of mitigating circumstances might include:
  - (i) Evidence of successful rehabilitation;
  - (ii) Evidence of the applicant family's participation in social service or other appropriate counseling service.
  - (iii) Evidence of successful and sustained modification of previous disqualifying behavior.
- (e) Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. HA will consider such circumstances in light of:
  - (i) The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and
  - (ii) The applicant's overall performance with respect to all the screening requirements; and
  - (iii) The nature and seriousness of any criminal activity, especially drug-related criminal activity that appears on the applicant's record.

#### 4. Qualified and Unqualified Applicants

- (a) Verified information will be analyzed and a determination made with respect to:
  - (i) Eligibility of the applicant as a family;

- (ii) Eligibility of the applicant with respect to income limits for admission;
  - (iii) Eligibility of the applicant with respect to citizenship;
  - (iv) Unit size required for the family;
  - (v) Preference category (if any) to which the family is entitled;
  - (vi) Qualification of the applicant with respect to the Applicant Selection Criteria.
- (b) Families determined to be qualified will be notified by the HA of the approximate date of occupancy insofar as that date can be reasonable determined. However, the date given by the HA does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by the HA, such as turnover rate, and market demands as they affect bedroom size and project location.
- (c) Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both INS and HA procedures.
- (d) HA will make every effort to accurately estimate an approximate date of occupancy. However, the date given by the HA does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by the HA, such as turnover rates, and market demands as they affect bedroom sizes and project location.
- (e) Applicants determined ineligible, he/she will be so informed and the reasons stated in writing. The applicant will be granted ten (10) days from the date stated on the ineligible letter to request an informal meeting. The applicant may bring any person he/she wishes to represent them at the informal meeting. The request for an informal meeting may be submitted in writing and received by the HA within the time frame established by the HA for the meeting.

### SECTION IX GROUND FOR DENIAL OF ADMISSION

- I. The HA is not required nor obligated to assist families who:
  - A. Owes rent, other amounts, or judgements to any HA or any other federally subsidized housing program, the applicant will be declared ineligible. At

the HA's discretion, the applicant may be declared eligible upon payment of debt, with the date and time of application being the time of payment and meeting other criteria.

#### Note

Applicants that owe a HA or any other federally subsidized program funds will not be processed. After the application is processed the applicant must meet all other conditions for occupancy. Re-paying funds that are due does not necessarily qualify an applicant for occupancy. Such payments will be considered along with other factors in the application process. Any money owed to a HA which has been discharged by bankruptcy shall not be considered in making this determination.

- B. Have previously been evicted from public housing.
- C. Committed acts, which would constitute fraud in connection with any federally assisted housing program.
- D. Did not provide information required within the time frame specified during the application process.
- E. Convicted of drug-related criminal activity or violent criminal activity. The HA shall prohibit admission to any household that included any individual who is subject to a lifetime registration program.
- F. Has a record of not meeting financial obligations, especially rent.
- G. Has a record of disturbance of neighbors, destruction of property, or living or housekeeping habits, which may adversely affect the health, safety or welfare of the other tenants.
- H. Has a history of criminal activity involving crimes of physical violence to person or property and other criminal activity which may adversely affect the health, safety or welfare of residents.
- I. The applicant family must have properly completed all application requirements, including verifications. Intentional misrepresenting of income, family composition or any other information affecting eligibility will result in the family being declared ineligible. In the event that misrepresentation is discovered after admission, the lease will be terminated for such misrepresentation.
- J. The applicant and all adults must sign a release allowing the HA to request a copy of a police report from the Police Department or other Law

Enforcement Agencies. If the HA uses the information to deny or terminate assistance the HA must provide a copy of the information used.

- K. If the applicant is a former Public Housing or Section 8 participant who vacated the unit in violation of his lease, the applicant may be declared ineligible.
- L. If the HA determines that a person is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The HA may waive this requirement if:
  - (1) The person demonstrates to the HA's satisfaction that the person is not longer engaging a drug-related criminal activity or abuse of alcohol;
  - (2) Has successfully completed a supervised drug or alcohol rehabilitation program;
  - (3) Has otherwise been rehabilitated successfully; or
  - (4) Is participating in a supervised drug or alcohol rehabilitation program.

#### Note

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

- 2. If an applicant is denied admission, the HA will notify the applicant, in writing, of its determination and inform the applicant that they have an opportunity for an informal meeting on such determination. The denial letter will allow the applicant ten (10) calendar days to request an informal meeting (verbal or in writing) with the HA. The applicant may bring any person he/she wishes to represent them at the informal meeting;
- 3. As a general rule applicants may be denied admission to Public Housing for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:
  - A. Denied admission for one (1) year for the following:



E. Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed") on the premises of the public housing project. Premises is defined as the building complex in which the dwelling unit is located, including common areas and grounds.

D. Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

• Conviction for Drug Trafficking. Admission to be denied for a period of five years from the date of conviction.

• Drug use without evidence of rehabilitation.

• Conviction for Drug Trafficking. Admission to be denied for a period of five years from the date of conviction.

• An arrest or conviction record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on the date of the last reported act, completion of sentence and/or probation period.

• Fraud (giving false information on the application is considered fraud).

C. Denied admission for five (5) years for the following:

• The HA can waive this requirement if: the person demonstrates to the HA's satisfaction successful completion of a rehabilitation program approved by the HA, or the circumstance leading to the eviction no longer exist.

• Persons excluded from public housing, Indian Housing, Section 8, or Section 23 programs because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction.

B. Denied admission for three (3) years for the follow:

- Past rental record
- Bad rent paying habits
- Bad housekeeping habits, in and outside the unit
- Damages
- Disturbances
- Live-ins

Note

As noted above these times frames are only guidelines and the HA may deny admission to any individual whose behavior may adversely affect the health, safety, or welfare of other tenants, or may admit persons who exhibit evidence of rehabilitation.

**SECTION X. OCCUPANCY GUIDELINES.**

It is the HA's policy that units should be occupied by families of the appropriate size. This policy maintains the usefulness of the units, while preserving them from excessive wear and tear or under utilization.

The following general unit maximum and minimum number of persons per unit will govern the assignment of a family of a given size and composition. These are only guideline and the maximums may be exceeded at the request of the family, or because of the square footage of a specific unit;

Occupancy Guidelines Chart

No. of BR	Min Persons/Unit	Max Persons/Unit
OBR	1	1
1BR	1	2
2BR	2	4
3BR	3	6
4BR	4	8
5BR	5	10

Exceptions to the maximum standards may be made in case of reasonable accommodations for a person with disabilities, emergencies, and at the discretion of the Executive Director or his designee. Further, the HA has the right to permit families exceeding the maximums shown above to occupy units when they request such occupancy, and when HA determines that the unit in question is large enough.

Families may choose to be placed on the waiting list for a unit one bedroom size smaller than that designated on the chart. A family that chooses to occupy a smaller size unit must agree not to request a transfer until their family size changes,

Families will not be placed on the waiting list for a larger unit unless there is a verifiable medical reason or reasonable accommodation that requires that the family be placed in a larger size unit.

Dwelling units will be assigned so that:

- (a) It will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom. Exceptions may be made for infants and young children or at the request of the family.
- (b) For verified reason of health (disability, addition of a live-in aide, need for medical equipment, etc.) a separate bedroom may be provided for an individual family member.
- (c) Two children of opposite sex will not be required to share a bedroom except at the request of the family.
- (d) The living room will not be used as a bedroom except at the request of the family.
- (e) A single head of household parent shall not be required (but may choose) to share a bedroom with his/her children over the age of 3.

**IMPORTANT:** The above options will be discussed with each applicant family. Families will also be updated to the status and movement of the various waiting lists and sublists maintained by the HA. Families shall be asked to declare in writing the waiting list on which they wish to be placed. If a family opts for a smaller unit size than would normally be assigned under the above standards (because, for example, the list is moving faster), the family will be required to sign a statement agreeing to occupy until their family size or circumstance change.

## SECTION XI TENANT SELECTION AND ASSIGNMENT PLAN

### A. Organization of the Waiting List

It is the HA's policy that each applicant shall be assigned his/her appropriate place on a single list in sequence based upon date and time the application is received, suitable type or size of unit, and factors affecting preference. Preference factors are established in the policy in accordance with HUD regulations and are consistent with the objectives of Titles VI of the Civil Rights Act of 1974 and the Title VIII of the Civil Rights Act of 1968 and HUD regulation and requirements pursuant thereto. Exceptions to waiting lists will be permitted only to comply with Court Orders, Settlement Agreements, or when approved in advance by the Assistant Secretary for Fair Housing and Equal Opportunity.

### B. Method of Applicant Selection

The HA will first match the characteristic of the applicant to the unit available, including any priorities for admission required for designated or mixed population housing.

Applicable local preferences as described in this policy will then be used to determine the order of selection from the waiting list. Further, in the selection of a family for a unit with accessible features the HA will give preference to families that include a person with disabilities who can benefit from the unit features.

The plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, or national origin is Plan "A". Under this plan each qualified applicant first in sequence on the waiting list is made one offer of a unit of appropriate size. The applicant must accept the vacancy offered or be dropped to the bottom of the waiting list (unless the refusal was for good cause).

Selection will be in such a manner as:

- (a) To avoid concentration of the most economic and socially deprived families in one or all of the developments operated by the HA.
- (b) To preclude admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the environment.
- (c) To maintain a resident body in each development composed of families with a broad range of incomes and rent paying ability which is generally representative of the range of incomes of the low income families in the HA's area of operation.

To give preference to applicants, who are otherwise eligible for assistance and who at the time they are seeking housing assistance, are:

20pts Without or about to be without housing due to a disaster or Federal, State, or Local Government action related to Code Enforcement, Public Enforcement, or Development.

15pts An elderly family or family with a disabled member. (must meet definition of disabled)

10pts All other non-assisted families.

5pts All other families.

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The order of selection listed below is to be applied within the ranges of Income/Rent adopted by the HA:

In accordance with the Quality Housing and Work Responsibility Act of 1998, the HA will reserve a minimum of 40% of its new Public Housing Admissions, for families whose income does not exceed 30 percent of the area median income. In

addition to HUD required income targeting, the HA will use the following system for selecting eligible applicants from the waiting list. The order of Selection is based on the HA's system for weighing preferences.

Local Preferences:

Local preferences will be used to select families from the waiting list.

The HA has selected the following system to apply local preferences:

1. Local preferences will be aggregated by a point system.

Among Applicants with Equal Preference Status:

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

Within each rank category above, applicants will be selected by date and time.

The applicant must accept the vacancy offered within five (5) working days of the date the offer is communicated by mail, or be dropped to the bottom of the waiting list (unless the rejection is for "good cause").

If an applicant is willing to accept the unit offered but is unable to move at the time of the offer and presents to the satisfaction of the HA clear evidence ("good cause") that acceptance of the offer of a suitable vacancy will result in undue hardship, or handicap not related to consideration of race, color, sex, religion, or national origin, the applicant will not be dropped to the bottom of the waiting list.

Examples of good cause for the refusal of housing include, but are not limited to:

- (1) Inaccessibility to source of employment or children's day care such the adult household member must quit a job, drop out of an educational institution or job training program;
- (2) The family demonstrates the HA's satisfaction that accepting the offer will result in a situation where a family member's life, health, or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining order, 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 are not good cause.
- (3) A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members or

live-in aide (each as listed on final application) necessary to the care of the principal household member;

- (4) The unit is inappropriate for the applicant's disabilities;
- (5) An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing.

The applicant must be able to document that the hardship claimed is good cause for refusing an offer of housing. Where good cause is verified to HA's satisfaction, the refusal of the offer shall not require that the applicant be dropped to the bottom of the waiting list.

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

Before offering a vacant accessible unit to a non-disabled applicant, the HA will offer such units:

- (1) First, to a current occupant of another unit of the same developments under the HA's control, having a disability that required the special features of the vacant unit (in effect, a transfer of the occupant with disabilities from a non-adapted unit to the vacant accessible/adapted unit).
- (2) Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible/adaptable unit to a non-disabled applicant, the HA will require the applicant 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. This requirement will be reflected in the lease agreement signed with the applicant.

## **SECTION XII LEASING AND OCCUPANCY OF DWELLING UNITS**

It is the HA's policy that all units must be occupied pursuant to a lease that complies with HUD's regulations.

Prior to making an offer for a unit the file for the applicant next on the waiting list will be reviewed by the Eligibility Specialist to determine the final approval.

Applicant folders will be processed centrally. Initial intake, waiting list management, screening, and offers of housing (including transfers) will be made at central office. Offers will be made in writing only after final approval by the Eligibility Specialist.

Once the unit is shown and the applicant accepts the unit, the Eligibility Specialist will execute a lease. If the applicant refuses the unit, the reason for refusal must be obtained. The central office will make a "good cause" determination.

Changes in family composition, income, or status between annual re-examinations will be processed centrally. Eligibility Specialist shall work with central office to forward necessary information and coordinate this activity with the applicant or resident family. Eligibility Specialist shall not lease units to families whose occupancy will create an over or under housed situation.

- \* The lease shall be signed by the head, spouse, and all adult member of the household accepted as a resident family and by the Executive Director or other authorized representative of HA, prior to actual admission.
- \* If a resident transfers from one HA unit to another, a new lease will be executed for the dwelling into which the family moves.

If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:

- (1) A new lease agreement will be executed, or
- (2) A Notice of Rent Adjustment will be executed, or
- (3) Any appropriate riders will be prepared and made a part of the existing lease, or any appropriate insertions made within the lease. All copies of such riders or insertions are to be dated and signed by the Resident and by the Executive Director or other authorized representative of the Housing Authority.

Only those persons listed on the lease shall be permitted to occupy a dwelling unit. Except for natural births to family members, and family seeking to add a new member must request approval in writing prior to the new member occupying the unit.

Following receipt of a family's request for approval, the HA will conduct a pre-admission screening of the proposed new member. Only new members approved by the HA following the screening process will be added to the household. The results of screening shall be used to determine whether or not to admit the new member. Children born to family member, children under the age below which Juvenile Justice records are not made available who are adopted by a family member, or who are added through a kinship care arrangement are exempt from the pre-admission screening process. The exemption age specified in this paragraph is subject to change should the State or locality modify its laws concerning the availability of police or court records for juvenile offenders.

Examples of situations where the addition of a family member is subject to screening are:

- (1) Resident plans to be married and files a request to add the new spouse to the lease;
- (2) Resident is awarded custody of a child over the age for which juvenile justice records are available;
- (3) Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child;
- (4) A unit is occupied by a remaining family member(s) under the age of 18 (and not an emancipated minor) and an adult, not a part of the original household, request permission to take over as the head of the household.

Residents who fail to notify the HA of additions to the household are in violation of the lease. Residents who permit persons to join the household without undergoing screening are also in violation of the lease. Such persons will be considered unauthorized occupants by the HA and the entire household will be subject to eviction.

Visitors may be permitted in a dwelling unit, provided visits not exceeding 30 calendar days may be authorized by the manager. Visits of more than 30 calendar shall not be authorized. Visitors remaining beyond this period shall be considered trespassers and the head of the household shall be guilty of a breach of the lease.

Roomers and lodgers shall not be permitted to occupy a dwelling unit, nor shall they be permitted to move in with any family occupying a dwelling unit. Violation of this provision is grounds for termination of the lease.

Residents must advise the HA if they will be absent from the unit for more than 30 days. Residents are required to notify the manager and make arrangements to secure the unit and provide a means for the HA to contact the resident in the event of an emergency.

### SECTION XIII RESIDENT TRANSFERS

It is the HA's policy that transfers will be made without regard to race, sex, sexual orientation, color, religion, national origin, or familial status. Residents can be transferred to accommodate a disability.

Emergency transfers are permitted when the unit or building conditions pose and immediate threat to resident life, health or safety, as determined by the HA. Emergency transfers with sites or between sites may be made to repair unit defects hazardous to life, health, or safety, alleviate verified medical problems of a life threatening nature, or based on documentation provided by a law enforcement agency, protect members of the household from attack by the criminal element in a particular property or neighborhood. These transfers shall take priority over new admissions.



Transfers are permitted to remove residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency), provide housing options to residents who are victims of hate crimes or extreme harassment, alleviate verified medical problems of a serious nature, permit modernization of units, or permit a family that requires a unit with accessible features to occupy such a unit. These transfers shall take priority over new admissions.

Request for medical transfers will be made to the manager. The resident will provide the Eligibility Specialist with the necessary verification and/or documentation to substantiate the need for a medical transfer. Whenever feasible, transfers will be made within a resident's area. Medical transfers may also be initiated by the HA, such as moving a person with mobility problems to a unit with accessible features.

- X Transfers within sites or between sites may be made to correct occupancy standards (over/under housed condition), and to address situations such as neighbor disputes that are not criminal, but interfere with the peaceful enjoyment of the unit or common areas. These transfers will not take priority over new admissions.

Residents in an over/under housed status will be advised in their 30 day "Notice of Results of Re-examination" that a transfer is recommended and that the family has been placed on the transfer list. Interviews will record transfer recommendations in duplicate for each Eligibility Specialist affected by the transfer.

When a head of household, originally housed in a bedroom by him/herself, has a child, the child shall remain in the parent's bedroom until three (3) years of age. After the age of three (3) a transfer may be recommended. **Exceptions:** Spouse returns to the unit is large enough to accommodate the number of persons now in the household. (Other than for births that occur during tenancy, the HA's prior approval of additions to the household is required).

Split family transfers will be processed under administrative transfers. Families that split into two (2) "new households may be transferred to two different units or a portion of the old" household may be transferred to a single unit depending on family circumstances and unit availability. Options for split-family transfers will be considered in order to minimize the impact on vacant units. Such transfers will be made in a manner that best benefits the HA.

The Eligibility Specialist has the responsibility to obtain and document all pertinent information relative to a request for transfer.

Transfers will be processed at the Central office. At the central office transfers must be approved by the Housing Service Manager.

Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in the removal of the household from the transfer list. The good cause standards applicable to new admissions shall apply to transfers.

SECTION XIV ELIGIBILITY FOR CONTINUED OCCUPANCY, ANNUAL RE-EXAMINATIONS, AND REMAINING FAMILY MEMBERS

A. Eligibility for Continued Occupancy

Residents who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a family as defined in this policy. (For purpose of continued occupancy remaining family members qualify as family. Remaining family members can also include court ordered emancipated minors under the age of 18).
2. Are in full compliance with the resident obligations and responsibilities as describes in the dwelling lease.
3. Whose family members, age of 6 or older, each have Social Security numbers, or have certifications on file indicating they have no Social Security number.
4. Who are citizens or have eligible immigration status. Every member of a resident family must submit either evidence of citizenship or eligible immigration status as required.

B. Remaining Family Members and Prior Debt

1. As a party to the lease, remaining family members (other than the head or spouse) 18 years of age or older will be responsible for arrearages incurred by the former head or spouse. HA will not hold remaining family members (other than head or spouse responsible for any portion of the arrearage incurred prior to the remaining member attaining age 18).
2. Remaining family members under the age of 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

C. Period Re-Examination

1. Regular re-examinations The HA shall at least once a year, re-examine the income of all resident families whose rent has been computed by the income-based rental method. The effective date of the annual re-examination shall be the anniversary date of admission.

2. Special Re-Examinations When it is not possible to estimate projected family income with any degree of accuracy at the time of admission or regular re-examination, a temporary determination will be made with respect to income and a special re-examination will be scheduled every 30 days until a reasonable accurate estimate of income can be made. The resident will be notified in advance as to the date for the special re-examination(s). Special re-examination shall also be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder.

Persons reporting zero income will have their circumstances examined every 30 days until they have a stable income. Persons claiming zero income will also be asked to complete a family expense form. This form will be the first form completed in the annual re-examination process. The form will ask residents to estimate how much they spend on: food, beverages, transportation, health care, childcare, debts, household items, etc. Residents will then be asked how they pay for these items.

3. Flat rent re-examinations Re-examinations will be conducted every three years for the families who have chosen to have their rent based on the flat rent method.

In the event a family's income decreases due to financial hardship, the family may elect to pay an income-based rent because the higher flat rent is no longer affordable.

4. Re-examination Procedures

- (a) At the time of re-examination, the head of household will be required to sign a Re-examination Date Sheet and other forms as required by HUD.
- (b) Employment, income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified, and all verified findings will be documented and filed in the resident's folder. Income verifications must be current. (Within the past 120 days).
- (c) Verified information will be analyzed and a determination made with respect to:
  - (i) Eligibility of the resident as a family or as the remaining member of a family;

- (ii) Unit size required for the family;
  - (iii) Rent the family should pay.
- (d) Income shall be computed in accordance with the definitions and procedures set forth in this policy.
  - (c) Families failing to respond to the initial re-examination appointment will be issued a final appointment. Failure to respond to the final request will result in the family being sent a notice of lease violation and referred to the manager for failure to comply with the terms and conditions of occupancy required by the lease. Failure to comply will result in termination of the lease.

5. Action Following Re-examination

- (a) A Notice of Rent Adjustment will be issued.
- (b) If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described in this policy and moved to an appropriate unit when one becomes available.
- (c) The HA shall not commence eviction proceedings or refuse to renew a lease, based upon the income of the resident family unless:
  - (1) It has identified, for possible rental by the family, a unit of decent, safe and sanitary housing of suitable size available at a rent not exceeding thirty percent (30%) of income as defined by the Authority for the purpose of determining rents; or
  - (2) It is required to do so by local law.

Pending their removal from the project, such families are to be charged rents calculated in accordance with the formula for Total Tenant Payment described in this policy.

**SECTION XV INTERIM RENT ADJUSTMENT/MINIMUM RENT**

A. Minimum Rent

I A family must pay the greater of 30 percent (30%) of monthly adjusted income, 10 percent (10%) of monthly income, or the minimum rent of \$50.00.

## B Rent Adjustment

Program participants must report all changes in household composition to the HA between annual re-examinations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain HA approval prior to all other additions to the household.

If any new family member is added, the new member's income must be reported. The HA will not conduct an interim re-examination between annual examinations.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular re-certification after moving into the unit.

### Interim Re-examination Policy

The HA will not conduct interim re-examinations when families have an increase in income.

Families will be required to report all increase in income/assets immediately/within 30 days of the increase.

### Decreases in Income

Participants may report a decrease in income and other changes, which would reduce the amount of tenant rent, such as an increase in allowance or deductions. The HA must calculate the change if a decrease in income is reported.

### HA Errors

If the HA makes a calculation error at admission to the program or at an annual re-examination, an interim re-examination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

### Other Interim Reporting Issues

An interim re-examination does not affect the date of the annual re-certification.

An special re-examination will be scheduled for families with zero income every 30 days.

Any changes reported by participants other than those listed in this section will be noted in the file by the staff person but will not be processed between regularly-scheduled annual re-certifications.

Decreases in the rent shall become effective:

1. On the first day of the month following the reporting of a decrease in family income.
2. On the first day of the month following the reporting of a change in family size.
3. On the first day of the month following the correction of an error made at a previous rent determination and shall be retroactive back to the time the rent began to be incorrectly charged.

B. Failure to Report Accurate Information

If it is found the resident has misrepresented, or failed to report to Management the facts upon which his/her rent is based so that the rent being paid is less than what should have been charged, the increase in rent will be made retroactive. Failure to report accurate information is also grounds for initiating eviction proceedings in accordance with HA's dwelling lease.

## SECTION XVI LEASE TERMINATION PROCEDURES

All Lease terminations and evictions will be processed in accordance with the HA's current dwelling lease and Grievance Procedure. The HA's Dwelling Lease and the Grievance Procedure is incorporated into this document by reference and is the guideline to be used for Lease terminations and evictions.

The dwelling lease may not cover every specific situation that warrants a lease termination; therefore, for good cause the HA may terminate a lease for reasons that are not specifically listed in the dwelling lease.

## SECTION XVII COMPLAINTS AND GRIEVANCE PROCEDURES

Complaints and grievance Procedures shall be accomplished in accordance with the HA approved Grievance Procedure. The grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals.

## SECTION XVIII NOTICE REQUIREMENTS

No resident shall be given a Notice of Termination (30 days notice) without being told by the HA in writing the reason for termination. The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply as he/she may wish. Certain actions are excluded from the Grievance Procedure, specifically; and criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or HA employees; and any drug-related criminal activity on or off the premises.

Notice of lease termination can be served personally, and if posted to the apartment door, shall also be sent to the resident by mail.

## SECTION XIX RECORD KEEPING REQUIREMENTS

A written record of every termination and/or eviction shall be maintained by the HA, and shall contain the following information:

1. Name of resident, number and identification of unit occupied;
2. 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;
3. Specific reason(s) for the Notices, with section of the lease violated, and other facts pertinent to the issuing of the Notices described in detail;
4. Date and method of notifying resident;
5. Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

## SECTION XX EXCESS UTILITY CHARGES

(Not Applicable)

## SECTION XXI ONE STRIKE POLICY

### Purpose

All federally assisted housing is intended to provide safe and decent place for eligible families to live, free of violent criminal activity and the illegal sale and use of drugs,

alcohol and related activity. It is the intention of the Graham Housing Authority to fully endorse and implement a policy that is designed to

- 1 Keep our program participants free from threats to their personal and family safe;
- 2 Help create and maintain safe and drug-free.

#### Administration

- 1 All screening and evicting procedures shall be administered fairly and in such a way so as not to discriminate on the basis of race, color, nationality, religion, sex, familial status, disability or other legally protected groups, and not to violate ones right to privacy.
- 2 To the maximum extent possible, and permissible by law, the HA will involve other community and governmental entities, in the promotion and enforcement of this policy.
- 3 This policy is posted on the HA's bulletin board and with copies made readily available to residents and participants upon request.

#### Screening of Applicants

In an effort to prevent future drug-related and other criminal activity, as well as other pattern of behavior that pose a threat to health, safety or the right to peaceful enjoyment of the premises by other residents, and as required by the Notice 96-27, the HA will endeavor to screen applicants as thoroughly and fairly as possible.

Such screening will apply to any member of the household who is 18 years of age or older or who is an emancipated minor.

#### HUD Definitions

Drug related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Drug related criminal activity means on or off the premises, not just on or near the premises.

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

#### Standard for Violation

The HA will deny participation in the program to applicants and terminate assistance to participants in cases where the HA determines there is reasonable cause to believe that



the person is illegally using a controlled substance or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other resident, including cases where the HA determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse.

The HA will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous 3 months.

X "Engaged in or engaging in" violent criminal activity means any act within the past three (3) years by applicants or participants, household members, or guests which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person of another, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guest.

The activity is being engaged in by any family member.

The existence of the above-referenced behavior by any household member or guest, regardless of the applicant or participant's knowledge of the behavior shall be grounds for denial or termination of assistance.

In evaluating evidence of negative past behavior, the HA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by the evidence of rehabilitation.

#### Drug Related and Violent Criminal Activity

Ineligibility if Evicted for Drug Related Activity: Persons evicted from public housing, Indian Housing, Section 23 or any Section 8 program because of drug-related criminal activity are ineligible for admission to the Section 8 program for a three-year period beginning on the date of such eviction.

X Applicants will be denied assistance if they have been arrested/convicted/evicted from a unit assisted under the Housing Act of 1937 due to drug-related or violent criminal activity within the last three (3) years prior to the date of the certification interview.

X Participants will be terminated who have been arrested/convicted/evicted from a unit assisted under the Housing Act of 1937 due to drug-related or violent criminal activity within the last three (3) years prior to the date of the notice to terminate assistance, and whose activities have created a disturbance in the building or neighborhood.

If the family violates the lease for drug-related or violent criminal activity, the HA will terminate assistance.

In appropriate cases, the HA may permit the family to continue receiving assistance provided that family member determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the HA may consider individual circumstances with the advice of Juvenile Court officials.

The HA may waive the requirement regarding drug-related criminal activity if the person demonstrates successful completion of a credible rehabilitation program approved by the HA, or the circumstances leading to the eviction no longer exist.

#### Termination of Assistance for Participants

If the family violated the lease for drug-related or violent criminal activity, the HA will terminate assistance.

In appropriate cases, the HA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the HA may consider individual circumstances with the advice of Juvenile Court officials.

#### Notice of Termination of Assistance

In any case where the HA decides to terminate assistance to the family, the HA must give the family written notice which states:

The reason(s) for the proposed termination,

The effective date of the proposed termination,

The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.

The date by which a request for an informal hearing must be received by the HA.

The HA will simultaneously provide written notice of the contact termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

#### Required Evidence

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

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

The HA will pursue fact-finding efforts as needed to obtain credible evidence

#### Confidentiality of Criminal Records

The HA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

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

#### Program Integrity Addendum

The Policies and procedures found in the Section 8 Administrative Plan shall be applicable to public housing regarding misrepresentation of income/information, or fraud, or other abuse of the program.

Appendix 2  
Graham Housing Authority  
Community Service Work Requirement

Description of Implementation

1. The Community Service Work Requirement is incorporated into a revised lease agreement and is included herein as appendix 3. Tenants admitted on or after January 1, 2000, shall be required to execute the revised lease. Tenants admitted prior to January 1, 2000 shall be offered an amendment to their existing lease agreement which incorporates the Community Service Work Requirement as well as other provision of the Quality Housing and Work Responsibility Act of 1998 on the effective date of their annual re-examination which occurs on or after January 1, 2000.
2. The Housing Authority will utilize PHA controls software to identify households and individuals of public housing communities that will be required to participate in the Community Service Work Requirement and provides for the assignment of not applicable or exemption status for other individuals as identified by the Admissions and Occupancy Policy. Monthly processing of family member data will allow for the creation of control records, printing of lists, notices and verification documents as they apply to individuals required to perform Community Service Work.
3. The Housing Authority Housing Management staff will identify sources in the community who are seeking and are willing to accept volunteer community service workers. A list of sources asking for volunteer services will be maintained by the Housing Authority and used for referral of community service workers. Sources receiving volunteer workers will be required to complete a verification form as provided by the Housing Authority that shall identify the community service worker. Sources receiving community service assistance shall certify that the volunteer worked at least 8 hours in addition to describing those services that the worker provided.
4. Household members who do not otherwise choose to participate in the provision of 8 hours community service work may participate in 8 hours of an Economic Self-Sufficiency activity as approved by the Housing Authority and as defined by the admissions and Occupancy Policy. The Housing Authority or another entity that shall provide that activity shall likewise certify to the 8 hour compliance and shall provide a description of the activities undertaken.
5. Verification of service work completed shall be updated to the family members community service work record for each month.

6. The head of household of a family will be notified in writing regarding the failure of any family member to comply with Community Service Work Requirement. The notice shall state that the determination made by the Housing Authority is subject to the PHA's grievance procedure and that, unless the resident enters into an agreement as stated in paragraph 7 herein, the lease of the family of which the non-compliant adult is a member may not be renewed. However, if the non-compliant adult moves from the unit, the lease may be renewed.
7. Prior to the expiration of the lease term, the PHA must offer the resident an opportunity to cure the noncompliance during the next twelve-month period; such a cure includes a written agreement by the non-complaint adult to complete as many additional hours of community service or economic self-sufficiency activity needed to make up the total number of hours required over the 12 month term of the lease.

## ATTACHMENT A

### Graham Housing Authority Admissions Policy for Deconcentration

#### DECONCENTRATION POLICY

It is Graham Housing Authority's policy to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Towards this end, we will skip families on the waiting list to reach other families with a lower or higher income. We will accomplish this in a uniform and non-discrimination manner.

The Graham Housing Authority will affirmatively market our housing to all eligible income groups. Lower income residents will not be steered toward income developments and higher income people will not be steered toward higher income developments.

Prior to the beginning of each fiscal year, we will analyze the income levels of families residing in each of our developments, the income levels of census tracts in which our developments are located, and the income levels of the families on the waiting list. Based on this analysis, we will determine the level of marketing strategies and deconcentration incentives to implement.

The Graham Housing Authority may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development.

Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and non-discriminatory manner.

When the Graham Housing Authority discovers that a unit will become available, we will contact the first 3-4 families on the waiting list who have the highest priority for this type of unit or development and whose income category would help to meet the deconcentration goal and/or the income targeting goal.

The Graham Housing Authority will contact the families first by telephone to make the unit offer. If the families cannot be reached by telephone, the families will be notified of a unit offer via first class mail. The families will be given three (3) business days from the date the letter was mailed to contact the Graham Housing Authority regarding the offer.

The families will be offered the opportunity to view the unit. After the opportunity to view the unit, the families will have 24 hours to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the families reject the offer of the unit, the Graham Housing Authority will send the families a letter documenting the offer and the rejection.