

ADMISSIONS AND  
CONTINUED OCCUPANCY POLICY

OF THE

HOUSING AUTHORITY  
OF THE CITY OF HIGH POINT

ADOPTED BY  
BOARD OF COMMISSIONERS  
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## Admissions and Continued Occupancy Policy

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**CHAPTER 1**  
**INTRODUCTION**

- A. **MISSION STATEMENT:** To provide eligible families and individuals with adequate and affordable housing, economic advancement, and homeownership opportunities in a safe, drug-free, suitable living environment without discrimination.

In order to achieve this mission, we will:

- Recognize residents as our ultimate customer;
- Improve Housing Authority of the City of High Point (HPHA) management and service delivery efforts through effective and efficient management by HPHA staff.
- Seek problem-solving partnerships with residents, community, and government leadership;
- Apply available HPHA resources to the effective and efficient management and operation of public housing programs

- B. **PURPOSE OF POLICY:** This Admissions and Occupancy Policy define the Housing Authority of the City of High Point's (HPHA) policies for the operation of its Public Housing Program, incorporating Federal, State and local laws. If there is any conflict between this policy, laws and regulations, the laws and regulations will prevail.

- C. **PRIMARY RESPONSIBILITIES OF THE HPHA:**

1. Informing eligible families of the availability of public housing assistance;
2. Determining and posting annually the utility allowances;
3. Receiving applications from families and determining their eligibility for assistance;
4. Inspecting Public Housing units to determine that they meet or exceed Uniform Physical Condition Standards (UPCS);
5. Approving leases;
6. Collecting rent on a monthly basis from tenants;
7. Annual re-examinations of income, family composition and re-determination of rent;
8. Authorizing and processing evictions; and

9. Ongoing maintenance and modernization of the public housing inventory.

D. OBJECTIVES: The objectives of this policy are to:

1. Promote the overall goal of drug free, decent, safe and sanitary housing by:
  - Ensuring a social and economic mix of residents within each public housing neighborhood in order to foster social stability and upward mobility.
  - Ensuring the fiscal stability of the HPHA.
  - Lawfully denying admission or continued occupancy to applicants or tenants whose presence in a public housing neighborhood are likely to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood or create a danger to HPHA employees.
2. Facilitate the efficient management of the HPHA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the HPHA inventory and staff.
3. 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.

E. OUTREACH: As much information as possible about Public Housing may be disseminated through local media (newspaper, radio, television, etc.). For those who call the HPHA Office, the staff may be available to convey essential information.

- The HPHA may hold meetings with local social community agencies.
- The HPHA may sponsor "Open House" programs within the public housing community to attract potential tenants to view a public housing unit.

The HPHA 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 HPHA 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. When there is a Local Housing Plan pursuant to Section 24 CFR, Part 91 Comprehensive Housing Affordability Strategy (CHAS), and the HPHA planned programs will be incorporated in the CHAS.

**CHAPTER 2**  
(24 CFR 100.1; 24 CFR 8.11)

**FAIR HOUSING / REASONABLE ACCOMMODATIONS POLICY**

It is the policy of the Housing Authority of the City of High Point (HPHA) 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), any 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 HPHA 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.

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

Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;

Provide housing which is different from that provided others;

Subject a person to segregation or disparate treatment;

Restrict a person's access to any benefit enjoyed by others in connection with the housing program;

Treat a person differently in determining eligibility or other requirements for admission;

Deny a person access to the same level of services; or

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

The HPHA 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, 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 HPHA 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 HPHA will make structural modifications to its housing and non-housing facilities make reasonable accommodations, or combinations of the two, to permit people with disabilities to take full advantage of

the housing program.

If providing a requested accommodation or structural modification would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden, then the HPHA need not provide that accommodation.

However, the HPHA is required to provide any other accommodation that would not result in an undue financial and administrative burden or fundamental alteration of the program.

In making reasonable accommodations or structural modifications for otherwise a qualified persons with a disability, the HPHA is not required to:

1. Make each of its existing facilities accessible, or make structural alternative when other methods can be demonstrated to achieve the same effect;
2. Make structural alterations that require the removal or altering of a load-bearing member;
3. Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level;
4. Take any action that would result in a fundamental alteration in the nature of the program;
5. The HPHA will not permit these policies to be subverted to do personal or political favors.

## REASONABLE ACCOMMODATION PROCEDURE

The Housing Authority of the City of High Point is an equal housing opportunity provider and does not discriminate against our applicants /residents with disabilities. It is our policy to make an affirmative effort to provide reasonable accommodations or physical modifications that do not pose an undue financial or administrative burden to HPHA for our applicants/residents who are disabled. Exception to our normal policies and procedures may apply to enable the HPHA to provide disabled individuals an equal opportunity to access and enjoy their community. It will be necessary to obtain documentation of the need for the requested accommodation/modification. The applicant/resident will need to provide the following information and forms:

- Fill out and return to the Property Management Office the Reasonable Accommodations Request Form
- Sign the Verification Form and return to the Property Management Office with the Request Form. (In the event that the disability and/or the nexus between the disability and the accommodation is not apparent, is the sole discretion of the HPHA Management).
- Upon receipt of the Verification Form, Property Management will mail or fax the form to the verifier.
- When it is returned, Management will notify the applicant/resident in writing of the determination concerning the request.
- If the request is for an assist or service animal, the applicant/resident will need to sign the lease addendum form that describes the animal owner's responsibilities.
- The resident may contact the Property Management Office if assistance is needed with this process.



### CHAPTER 3

(24 CFR 960.202; Quality Housing & Work Responsibility Act of 1998)

#### 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 of 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 HPHA 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 medium income
Very Low Income	More than 30% but less than 50% of the area's medium income
Low Income	More than 50% but less than 80% of area's medium income
Over-Income	More than 80% of the area's medium income

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

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

The HPHA shall utilize information from these categories and other statistical information concerning income distribution in the HPHA'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 HPHA shall review these goals periodically and make appropriate adjustments as may be needed when income distributions in the locality change.

Staff responsible for selecting 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 selecting an applicant for occupancy first, then, shall select in accordance with prevalent preferences established by this Housing Authority.

## **CHAPTER 4**

(24 CFR 8.6; Section 504 of the Rehabilitation Act of 1973)

### **ACCESSIBILITY AND LIMITED ENGLISH PROFICIENCY REQUIREMENT**

Facilities and programs used by residents must be accessible. Application and management offices, hearing rooms, community center, laundry facilities, craft and game rooms and so on must be available for use by residents with a full range of disabilities. If these facilities are not already accessible (and located on accessible routes), they will be made so, subject to the undue financial and administrative burden test.

Documents intended for use by applicants and residents will be made available in formats accessible for those with vision or hearing impairments and limited English proficiency. The documents shall be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. -HPHA will provide oral language services when necessary to applicants and residents by ensuring a competent interpreter is available in a timely manner.

At initial contact, the HPHA staff will provide a form to the applicants, which allow them to indicate whether or not a reasonable accommodation is needed. Alternative forms of communication might include: sign language interpretation, having materials explained orally by the staff, either in person or by phone, large type materials, information on tape, and having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials.

If paid accessibility professionals are used, the HPHA must pay for such services.

At a minimum, the HPHA 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.)
- All information related to Admission and Continued Occupancy

**CHAPTER 5**  
(24 CFR 5.212)

**PRIVACY RIGHTS**

The HPHA has the responsibility for safeguarding personally identifiable information required by HUD and preventing potential breaches of this sensitive data. The HPHA is committed to protecting the privacy of individuals' information stored electronically or in paper form, in accordance with federal privacy laws, guidance, and best practices.

All adult members of both applicant and resident households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

Any request for applicant or resident information will not be released unless there is a signed release of information form in the applicant or resident file.

The Privacy Act is enforced with all information obtained from the applicant. A Privacy Act notice shall be provided at the time of application and at each annual income certification.

## CHAPTER 6

### DEFINITIONS OF TERMS

As defined by the U.S. Department of Housing & Urban Development (HUD), definitions are amended from time to time and are contained in Section 24 CFR, which are incorporated by reference as if fully set out herein. Copies of this regulation are available in the HPHA Office.

1. ANNUAL INCOME – means all amounts, monetary or not which:
  - A. Go to or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member, or
  - B. Are anticipated to be received from a source outside the family during the twelve (12) month period following admission or annual re-examination effective date; and
  - C. Which are not specifically excluded,
    - (i) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
    - (ii) The net amount, from the operation of a business or profession. Expenditures for business expansion or amortization of capital 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 (IRS) regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
    - (iii) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000 annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
    - (iv) The amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount of prospective monthly amounts for the delayed start of a periodic amount (except as otherwise provided in this policy);

- (v) Payments in lieu of earnings such as unemployment and disability compensation, workers' compensation and severance pay (except as otherwise provided in this policy):
- (vi) Periodic and determinable allowance, such as alimony and child support payments, and regular contributions
- (vii) Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.
- (viii) All regular pay, special pay and allowances of a member of the armed forces (except as otherwise provided in this policy)

2. 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 for each member of the family (other than head of household or spouse) who is:
  - Seventeen (17) years of age or younger or
  - Eighteen (18) years of age and a verified full-time student and is disabled or handicapped according to this Section.
- B. A deduction of \$400 for Elderly Family whose head, spouse or sole member is sixty-two (62) years of age or older and/or is handicapped or disabled according to this Section.
- C. The sum of the following, to the extent the sum exceeds three percent (3%) of annual income:
  - Un-reimbursed medical expenses of any elderly family or disabled family;
  - Un-reimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are eighteen (18) years of age or older who are able to work because of such attendant care of auxiliary apparatus.
- D. Childcare Expenses: Amounts anticipated to be paid by the Family for 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 or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare, 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 reasonable amount of charges is determined by the HPHA; by conducting surveys of local child

are providers. The results are posted in the HPHA office. (If there is a spouse/other adult in the home not employed, family will not be eligible for this childcare deduction).

- E. Earned Income of Full-Time Student: The first \$480 of earned income of a full-time student.

Note: If the total income less the above allowances results in a rent less than the established minimum rent, as defined in Chapter 6, paragraph 41, the resident's rent will be minimum rent.

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

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

- 4. 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).

- 5. CHILD – A member of the family, other than the family head or spouse, who is under eighteen (18) years of age.

- 6. CHILDCARE EXPENSES – Childcare Expenses are amounts 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 the 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 HPHA will not normally determine childcare 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. The HPHA reserves the right to request and confidentially maintain the Employer Identification Number (EID) and Social Security Numbers (SSN) as verification of the Childcare Provider.

- 7. 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 if 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).

8. COMMUNITY SERVICE – Every adult member of a family residing in public housing will be required to perform eight (8) hours of community service each month, and/or participate in a self-sufficiency program for at least eight (8) hours every month. This requirement does not apply to elderly persons, disabled persons, 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 purposes of this policy, community service is the performance of voluntary work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community 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:

- A. Sixty-two (62) years of age;
- B. Is a blind or disabled individual, as defined under 216(l)(1) or 1614 of the Social Security Act (42.U.S.C. 416(i)(1) 1382c, and who certifies that because of this disability she or he is unable to comply with the service provisions of this subpart, or is a primary caretaker of such individual.
- C. Is engaged in work activity of thirty (30) hours or more per week;
- D. 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
- E. Is a member of a family receiving assistance or services 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 (A) – (E), each adult resident of a public housing development shall:

- Contribute eight (8) hours of community service (not including political activities), and/or
- Participate in an economic self-sufficiency program, as defined herein, for eight (8) hours per month.
- Perform eight (8) hours per month of combined activities as described in paragraphs 1 and 2 above.

9. CRIMINAL ACTIVITY - the intentional commission of an act usually deemed socially harmful or dangerous and specifically defined, prohibited, and punishable under criminal law
  
10. CURRENTLY ENGAGING IN- With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.
  
11. DEPENDENT – A member of the family (except foster children and foster adults), other than the family head or spouse, who is under eighteen (18) years of age, or is a person with a disability, or is a full-time student at traditional institutions and vocational training. An unborn child shall not be considered a dependent.
  
12. DISABLED PERSON – A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

A person with disabilities means a person whom:

- (1) Has a disability as defined in 42 U.S.C. 423;
- (2) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - (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 the ability to live independently could be improved by more suitable housing conditions; or
  - (d) Has a developmental disability as defined in 42 U.S.C. 6001.
- (3) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (AIDS);
- (4) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- (5) Means “individual with handicaps” as defined, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

The HPHA may verify a person’s disability only to the extent necessary to ensure that applicants are qualified for the housing for which they are applying; that applicants are qualified for deductions used in determining adjusted income; that applicants are entitled to any preference they may claim; and the applicants who have requested a reasonable accommodation/modification. A HPHA may not require applicants to provide access to confidential medical records in order to verify a disability nor may the HPHA require specific details as to the disability. The HPHA may not ask what the specific disability is.



13. DISABILITY 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 disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.
14. DISPLACED FAMILY – A family in which each member, or whose sole member, is a person displaced by government action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
15. 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 (including a substance abuse or mental health treatment program), or other work activities.
15. ELDERLY FAMILY – A family whose head or spouse or whose sole member is at least sixty-two (62) years of age. It may include two or more persons who are at least sixty-two (62) years of age living together, or one or more persons who are at least sixty-two (62) years of age living with one or more live-in aides.
16. ELDERLY PERSON – A person who is at least sixty-two (62) years of age.
17. EMERGENCIES – Displacement by disaster, such as fire or flood; displacement by government action, domestic violence, displacement to avoid reprisals; displacement by hate crimes, or as further defined by the HPHA.
18. EXTREMELY LOW INCOME FAMILY – A family whose annual income doesn't exceed thirty percent (30%) of the median income for the area, as determined by HUD.  
  
At least forty percent (40%) of the admissions to the Public Housing Program in each fiscal year must be extremely low-income.
19. EXCESS UTILITY CHARGES – The resident will be required to pay the cost of utilities consumed in excess of the amounts shown on the Schedule of Excess Utility Charges (See utility allowance schedules)
20. EVIDENCE OF CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS – The documents that must be submitted to evidence citizenship or eligible immigration status.
21. FAMILIAL STATUS – A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of eighteen (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 Chapter 15, Resident Transfers.

22. FAMILY – The term “Family” as used in this policy means:

A. Family status.

1. A **family with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption, or operation of law. A family may be a single person or a group of persons. Discrimination based on familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law.
  - a. Children temporarily absent from the home due to placement in foster care are considered family members.
  - b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.
2. An **elderly family**, which is:
  - a. A family whose head, spouse, or sole member is a person who is at least sixty-two (62) years of age;
  - b. Two or more persons who are at least sixty-two (62) years of age living together; or
  - c. One or more persons who are at least sixty-two (62) years of age living with one a live-in aide.
3. A **near-elderly family**, which is:
  - a. A family whose head, spouse, or sole member is a person who is at least fifty (50) years of age but below the age of sixty-two (62);
  - b. Two or more persons, who are at least fifty (50) years of age but below the age of sixty-two (62), living together; or
  - c. One or more persons, who are at least fifty (50) years of age but below the age of sixty-two (62), living with a more live-in aide.
4. A **disabled family**, which is:
  - a. A family whose head, spouse, or sole member is a person with disabilities;
  - b. Two or more persons with disabilities living together; or
  - c. One or more persons with disabilities living with a live-in aide.

A family may be a single person or a group of persons. Discrimination based on familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law. By definition, a family must contain a competent adult of at least eighteen (18) years of age, or if under the age of eighteen (18) years has been declared emancipated by court order,

The term family also includes: Elderly family, a family whose head or spouse or whose sole member is at least sixty-two (62) years of age, disabled, or handicapped, near elderly family, disabled family, displaced person, single person who is not an elderly or disabled person, or a person with disabilities, the remaining member of a tenant family, a foster care arrangement, or a kinship care arrangement. Other persons, including members temporarily absent, a child temporarily placed in a foster care or a student temporarily away at college, may be considered a part of the applicant family's household if they are living or will live regularly with the family.

Live-in aides may also be considered part of the applicant/tenant family's household. However, live-in aides are not considered family members and have no rights of tenancy or continued occupancy but are obligated to abide by the rules and policies as family members and guests.

For purposes of continued occupancy: the term family also includes the remaining member of a resident family with the capacity, as defined by North Carolina law, to execute a lease.

**Note:**

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.

23. FEDERALLY-MANDATED INCOME EXCLUSIONS

- A. Value of allotment provided to an eligible household under the Food Stamp Act of 1977.
- B. Payments under the Domestic Volunteer Services Act of 1973 are excluded. These programs include:

- VISTA – Volunteers in Service to America
- RSVP – Retired Senior Volunteer Program
- Foster Grandparents
- Senior Companions Programs

- C. Payments or allowances made under the Department of Health and Human Services' Low-income Home Energy Assistance Program.
- D. Payments received under the programs funded in whole or in part under the Job Training Partnership Act (JTPA).
- E. AmeriCorps Living Allowance (this falls under JTPS).
- F. Indian Settlements/Trusts –

Payments received under the Maine Indian Claim Settlement Act of 1980. (Pub. L 98-420,94 Stat.1785)

Income derived from the disposition of funds of the Grand River Bank of Ottawa Indians.

The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commissions or the Grant of Claims or from funds held in trust for an Indian tribe by the Secretary of the Interior.

- G. Title IV of the Higher Education Act of 1965 – Amounts of scholarships funded under Title IV, including awards under the Federal Work Study Program or under the Bureau of Indian Affairs Student Assistance.
- H. Agent Orange Settlements – Payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established in the Agent Orange product liability litigation. (M.D.L. No.382 E.D.N.Y.)
- I. Childcare and Development Block Grant Act of 1990 – The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child care and Development Block Grant Act of 1990.
- J. Earned Income Tax Credit Refunds
- K. Title V of the Older Americans Act –

Payments under Title V are excluded. This is the Senior Community Service in Employment Program (SCSEP) funded through the Department of Labor.

These programs are administered by national contractors such as:

- > Green Thumb
- > US Forest Services
- > NCOA – National Council on Aging
- > Urban League
- > AARP – American Association of Retired Persons
- > National Council of Senior Citizens (Sometimes called Senior Aides)
- > NCBA – National Caucus for Black Aged
- > National Association for the Spanish Elderly

State coordinators for Title V can provide the list of additional contractors who administer Title V.

Even if there is ninety percent (90%) federal and ten percent (10%) local funding, One hundred percent (100%) of the income funded through Title V is excluded.

- 24. FLAT RENTS – The Housing Authority of the City of High Point (HPHA) has established Flat Rents. Each year public housing families may choose to have their rent based on the Flat Rent formula.

The HPHA has adopted a flat rent for each public housing unit in an amount that is posted in the Central Office and Property Management Offices. A copy of the flat rent schedule shall be provided to any resident upon request. Flat rents will be subject to periodic change without prior notification to the residents. Families may choose to have their rent based on their income or pay the flat rent established for

their dwelling. Families that have chosen to pay the flat rent shall have their income re-examined at (3) three-year intervals. In the event the resident experiences a decrease in income and would experience a hardship, as defined in Chapter 6, if they were required to continue to pay the flat rent, the resident may report the change and request that their rent be changed to an income based. Unless the head of household specifies in writing, the HPHA will automatically switch a family from an income based rent to a flat rent and from a flat rent to an income based rent when it appears that the family would qualify and when it would result in the resident paying the lowest monthly rental amount.

25. FOSTER CHILDREN – With the prior written consent of the HPHA, a foster child may reside on the premises. The factors considered by the HPHA 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 HPHA’s obligation to make reasonable accommodation for handicapped persons.
26. 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 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.
27. HANDICAPPED INDIVIDUAL – A person having a physical or mental impairment that substantially limits (1) one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

“Physical or mental impairment” includes – any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting (1) one or more of the following body systems; neurological: musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hernia and lymphatic; skin; and endocrine; or

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

“Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

“Has a record of such impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits (1) one or more major life activities.

“Is regarded as having an impairment” means – Has a physical or mental impairment that does not substantially limit (1) one or more major life activities but that is treated by a recipient as constituting such a limitation;

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

Has none of the impairments defined but is treated by a recipient as having an impairment.

28. HARDSHIP (MINIMUM RENT) EXEMPTION/SUSPENSION – Financial hardship status (suspension) will be granted immediately upon request to families for a period of ninety (90) days, pending verification of (1) one or more of the following circumstances:

- A. The family has lost eligibility for, or is awaiting an eligibility determination for a Federal, State, or Local assistance program.
- B. The family would be evicted as a result of the imposition of the minimum rent.
- C. The income of the family has decreased due to changed circumstances, including loss of employment;
- D. A death in the household has occurred; and
- E. Other circumstances as may be determined by the U.S. Department of Housing and Urban Development or the Housing Authority have occurred.

When a family requests a hardship exception from the minimum rent (as defined in Chapter 6, paragraph number 42, and the rent is suspended immediately. All suspended rent will result in an investigation to determine if the hardship will be short term or long term. Short term hardship is defined as – “at least one (1) of the five (5) circumstances mentioned herein applies to the family and it can be verified that a hardship exists, but the circumstances are likely to be temporary) not more than ninety (90) days.” The family will be provided a ninety (90) day grace period that will result in the family not paying rent.

After the ninety (90) day grace period has expired the family is responsible for repaying the suspended minimum rent unless it is determined the hardship is a long-term hardship. A reasonable repayment agreement must be offered. A long-term hardship is defined as “at least one (1) of the five (5) circumstances mentioned herein applies to the family and it can be verified that a hardship exists with the circumstances likely to exist for more than ninety (90) days.” The minimum rent is suspended until the circumstances change in such a way that they no longer qualify for a hardship exemption. Long- term hardship exemptions are not subject to a repayment agreement.

29. HAZARDOUS DUTY PAY – Pay to a family member in the Armed Forces away from home and exposed to hostile fire.

30. 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.
31. IMPUTED WELFARE INCOME – The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family’s annual income for purposes of determining rent.

Specified welfare benefit reduction is a reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program: or because of a welfare agency sanction of a family member for noncompliance with the welfare agency’s requirement to participate in an economic self sufficiency program.

A family’s annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in a notice to the HPHA by the welfare agency) plus the total amount of other annual income.

The amount of the imputed welfare income is offset by the amount of additional income a family received that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

The HPHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

32. INCOME EXCLUSIONS – Annual income does not include such temporary, non-recurring or sporadic income as the following:
- Income from employment of children (including foster children) under the age of eighteen (18) years.
  - Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
  - Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker’s compensation), capital gains and settlement for personal or property losses.
  - Amounts received by the family specifically for or in reimbursement of, the cost of medical expenses for any family member.
  - Income of a live-in aide.
  - The full amount of student financial assistance including loans and grants paid directly to the student or to the educational institution.

- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

Amounts received under training programs funded by HUD.

- (a) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
  - (b) Amounts received by a participant in other publicly assisted programs that are specifically for or to reimbursement of out-of-pocket expenses incurred (special equipment, clothing transportation, child care, etc.), and which are made solely to allow participation in a specific program.
  - (c) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the HPHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative coordination and a tenant serving as a member of the HPHA's governing Board. No resident may receive more than one such stipend during the same period of time.
  - (d) Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program.
- Temporary, nonrecurring or sporadic income (including gifts.)
  - 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.
  - Earnings in excess of \$480 for each full-time student eighteen (18) years old or older (excluding the head of household and spouse).
  - Adoption assistance payments in excess of \$480 per adopted child.
  - Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
  - Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.



- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
- Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to HPHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

33. INCOME TARGETING – (See Chapter 3, De-concentration Plan on Page 9)

34. INFANT – A child under the age of two (2) years.

35. INTERIM REDETERMINATION OF RENT – Changes of rent between admissions and reexaminations and the next succeeding reexaminations.

36. INS – The United States Immigration and Naturalization Service.

37. LIVE-IN-AIDE – A person who resides with an elderly person, a near elderly person, or a person with disabilities.

- Is determined by the HPHA to be essential to the care and well-being of an elderly person, a near elderly person, or a person with disabilities.
- Is not obligated for support of the person(s). The HPHA does not have to provide a separate bedroom. Living room may be used as a sleeping room.
- 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 tenant family.
- Relatives are not 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 HPHA's screening requirements with respect to past behavior and must be supported with a statement from a knowledgeable professional to substantiate the need. The live-In Aide must be approved in advance. The HPHA has the right to disapprove a request for a live-in aide based on eligibility criteria especially:

- (a) 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;
- (b) 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 damage to the unit or the development; and

- (c) A record of eviction from housing or termination from residential programs.
- Live-In aides are not subject to Non-Citizen Rule Requirements.
38. LOW INCOME FAMILY – a family whose annual income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD.
39. 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.
40. MILITARY 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.
41. MINIMUM RENT – The minimum rent, also referred to as the “statutory minimum rent”, will be \$50 per month.
42. 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 a minor).
43. MIXED FAMILY – A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.
44. MONTHLY ADJUST INCOME – One-twelfth of Adjusted Annual Income.
45. 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.
46. NATIONAL – A person who owes permanent allegiance to the United States, for example, as a result of birth of a United States territory or possession.
47. NEAR ELDERLY – A family whose head or spouse or “sole member” is at least fifty (50) years of age, but below the age of sixty-two (62) years of age.
48. 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 HPHA 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 reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or Tenant received important consideration not measurable in dollar terms.

49. NONCITIZEN – A person who is neither a citizen nor national of the United States.

50. OVERINCOME FAMILY – A family whose annual income is more than eighty percent (80%) of the median income for the area, as determined by HUD.

51. PERMANENT ABSENCE OF ADULT MEMBER

If the Head of Household leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the HPHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than one hundred eighty (180) consecutive days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated.

- Absence due to Incarceration. If the sole member is incarcerated for more than one hundred eighty (180) consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for more than one hundred eighty (180) consecutive days. The HPHA will determine if the reason for incarceration is for drug-related or criminal activity.
- Foster Care and Absences of Children. If the family includes a child or children temporarily absent from the home due to placement in foster care, the HPHA will determine from the appropriate agency when the child/children will be returned to the home.

Familial Relationships - The following verifications will always be required if applicable:

- (a) Verification of relationship: Official identification showing names  
Birth Certificates  
Baptismal certificates
- (b) Verification of guardianship is: Court-ordered assignment  
Affidavit of parent  
School records  
Verification from social service agency

- Verification of Permanent Absence of Adult Member. If an adult member who was formerly a member of the household is reported permanently absent by the family, the HPHA will consider any of the following as verification:
  - (a) Husband or wife institutes divorce or legal separation action.
  - (b) Notarized affidavit of Head of Household
  - (c) Order of protection/restraining order obtained by (1) one family member against another.
  - (d) Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
  - (e) Statements from other agencies such as social services.
  - (f) If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.
  
- 52. PET POLICY – A resident may own or have present, a common household pet in accordance with the Pet Policy established by the Housing Authority of the City of High Point. (Refer to Appendix # 3 for Pet Policy.)
  
- 53. PHASE-IN PERIOD OF NEWLY EMPLOYED INCOME – Earned Income Disallowance (EID)

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 twelve (12) month period, the family's rent will not be increased. For the second twelve (12) month period, the family's rent can be increased by the amount representing up to fifty percent (50%) of the total rent increase normally applicable in the absence of this provision. In the third year, the balance of the rent increase can be phased in.

Previously unemployed includes a person who has earned, in the twelve (12) months previous to employment, no more than would be received for ten (10) hours of work per week for fifty (50) weeks at the established minimum wage.

The disallowance of increased income of an individual family member is limited to a lifetime forty-eight (48) month period. It only applies for a maximum of twelve (12) months for a disallowance of one hundred percent (100%) of income, and a maximum of twelve months for disallowance of fifty percent (50%) of income during the forty-eight (48) month period starting from the initial exclusion.
  
- 54. PUBLIC HOUSING AUTHORITY (PHA) – 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.
  
- 55. RECERTIFICATION – Recertification is sometimes called reexamination. The process of securing documentation which indicates that tenants meet the eligibility requirements for continued occupancy.

56. REEXAMINATION DATE – The date on which any rent change 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.
57. 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, which may or may not normally qualify for assistance on their own circumstances. An individual must occupy the public housing unit 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 (10) days from the departure of the leaseholder and may remain in the unit for a reasonable time pending the verification and grievance process. This 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 HPHA 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 eighteen (18).

Any person who claims himself/herself as a remaining member shall, in the event that the HPHA declares him/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 the hearing officer, all rent which was due pursuant to the lease, shall be deposited into an escrow account with the HPHA under the same provisions as those relating to tenants escrow account with the HPHA under the same provisions as those relating to tenants requesting a grievance hearing relating to rent under the grievance process. The HPHA does not recognize the person as a tenant by giving him or her opportunity for a grievance hearing. A remaining member shall not be considered to be a tenant until such time as a new lease is executed by the HPHA and the person granted tenant status after the verification status.

58. 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 thirty percent (30%) of their adjusted monthly income.

Families choosing the flat rent have their incomes reviewed every three (3) 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 no longer affordable.

59. SINGLE PERSON - A person who lives alone, or intends to live alone and who does not qualify as an elderly family, a displaced person, or as the remaining member of a Tenant family.
60. SPOUSE – A spouse is the legal husband or wife of the head of the household.

61. TANF – Temporary Assistance to Needy Families.
62. 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 and less than one hundred eighty (180) days is considered temporarily absent.
63. TENANT RENT – The amount payable monthly by the Family as rent to the HPHA. Where all utilities (gas, water and electricity) are supplied by the HPHA, Tenant Rent equals Total Tenant Payment or minimum rent, as defined in Chapter 6, paragraph 1.

The monthly rent that is payable by the tenant must be paid in full; no partial payments will be accepted.

64. TOTAL ANNUAL FAMILY INCOME – Total Annual Family Income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the twelve (12) month period following the effective date of initial determination or 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 New 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, Annual Assets or a percentage of the value of such assets 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 benefits 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.
- 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. (See definition of "Hazardous duty pay" on Page 21.)
- 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/her 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 or Death Benefits.)

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, must report, in person, the income to the HPHA within ten (10) calendar days after receipt of the funds.

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

65. TOTAL TENANT PAYMENT (TTP) – The TTP for families participating in the Public Housing Program must be the greater of:

- Thirty percent (30%) of family adjusted income;
- Ten percent (10%) of family monthly income;
- The current minimum rent, as defined in Chapter 6, paragraph number 41.

66. Uniform Physical Condition Standards (UPCS) – Standards for safe and habitable housing established by Department of Housing and Urban Development and the Housing Authority. The HPHA will maintain public housing units in compliance with UPCS standards that meet or exceed UPCS.
67. UPWARD MOBILITY – Exemplary residents who meet the criteria for transferring to replacement housing.
68. UTILITIES – Utilities may include water, electricity, gas, other heating refrigeration and cooking, fuels, trash collection, and sewerage. Telephone and cable television service is not a utility.  
  
In the event the Family exceeds the utility usage allowed by the HPHA, the family will be charged for the excess usage.
69. VERY LOW-INCOME FAMILY – A Very Low-Income Family means a family whose annual income does not exceed (50%) fifty 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.
70. VETERAN - A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released from under conditions other than dishonorable.
71. VIOLENT CRIMINAL ACTIVITY: Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.
72. 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 interchangeably.
73. 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.



**CHAPTER 7**  
(24 CFR 960.259)

**APPLICATIONS AND OTHER REQUIRED FORMS**

- A. 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 500 E. Russell Avenue, High Point, North Carolina, 27260. On Tuesdays and Thursdays from 10:00 A.M. until 4:00 P.M. (excluding HPHA holidays).

Applications will be taken from elderly, handicapped, or disabled persons Monday – Friday from 10:00 A.M. to 4:00 P.M. (excluding HPHA holidays).

Individuals who have a physical impairment which would prevent them from completing an application in person may call the HPHA to make special arrangements to complete their application. A telecommunication device for the deaf (TDD) 711 is available for the deaf.

Applicants will be advised that they are required to keep the HPHA advised at all times of their mailing address and the current family status. Applicants will be provided the opportunity to indicate a development preference they are interested in, however, offers will be made based on unit availability, mobility and family self-sufficiency. Applicants may simultaneously apply for all available programs with open waiting list.

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

- B. CLOSING OF APPLICATION TAKING – If the HPHA is taking applications, the HPHA may suspend the taking of applications if the waiting list is such that additional applicants would not be able to occupy a public housing unit within the next twelve (12) months period. Application taking may be suspended by the bedroom size, if applicable. The HPHA will make known to the public through publication in a newspaper of general circulation, and other suitable means the fact that applications for public housing units are being suspended.

To reach persons who cannot read the newspapers; the HPHA will distribute fact sheets to the broadcasting media.

- C. OPENING OF APPLICATION TAKING – When the HPHA decides to start taking applications; the waiting list may be opened by bedroom size.

The HPHA will make known to the public through publication in a newspaper of general circulation, and other suitable means the availability and nature of housing assistance for eligible families.

The Notice must contain the following:

- The HPHA will publish the date applications will be accepted and the location where applications can be completed.
- Briefly describe the Public Housing Program.
- To reach persons who cannot read the newspapers; the HPHA will distribute fact sheets to all the broadcasting media.

#### D. INFORMAL REVIEW

- 1) If the HPHA determines that an applicant does not meet the criteria for receiving public housing assistance, the HPHA will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request an informal review of the decision within 10 business days of the denial. The HPHA will describe how to obtain the informal review.

The informal review may be conducted by any person designated by the HPHA, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be provided the opportunity to present written objections to the HPHA's decision. The HPHA must notify the applicant of the final decision within fourteen (14) calendar days after the informal review, including a brief statement of the reasons for the final decision.

- 2) The participant family may request that the HPHA provide for an Informal Hearing after the family has notification of an Immigration and Naturalization Service (INS) decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within thirty (30) days of receipt of the Notice of Denial or Termination of Assistance, or within thirty (30) days of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to thirty (30) days of receipt of the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

#### E. REINSTATEMENT OF DENIAL APPLICATION

An applicant file may be reinstated for good cause (example, HPHA error) or as a result of a hearing. Reinstatement must be approved by the Vice President of Asset Management/Operations or his/her designee.

**CHAPTER 8**  
(24 CFR 960.201 & 208)

**APPLICANT SCREENING / SELECTION CRITERIA**

The HPHA conducts extensive screening of applicants prior to providing assistance, which includes, but not limited to, the following: reviewing criminal records, sex offender registration, credit history, and landlord references, checking with probation officers, and local social service providers. Applicable screenings will be conducted for all household members, 16 years of age or older.

The HPHA will admit residents to its low income developments, applicants who at the time of admission who, meet all of the following requirements:

- (1) Who qualify as a family as defined by the HPHA in this policy
- (2) Whose annual income does not exceed the applicable income limits for admission as established by the U.S Department of Housing and Urban Development
- (3) Whose family composition conforms to the occupancy standards that are appropriate to the vacant unit
- (4) Whose past performance in meeting financial obligations, especially rent, is satisfactory
- (5) Who have no record of the disturbance of neighbors, destruction of property, living or housekeeping habits from prior residences that would adversely affect the health, safety or welfare of other residents or the community
- (6) Who have no history of criminal activity involving crimes of physical violence to persons, property, or criminal acts that would adversely affect the health, safety or welfare of other residents of the community
- (7) Who are not currently using illegal drugs or currently abusing alcohol. If the HPHA 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 HPHA may waive this policy if the person demonstrates to the HPHA's satisfaction that the person is no longer engaging in the illegal use of a controlled substance or abuse of alcohol, and has one year or less of being eligible to apply:

- Has successfully completed a supervised drug or alcohol rehabilitation program for a period of one year, and/or
- Is participating in a supervised drug or alcohol rehabilitation program,
- And provide supporting documentation from knowledgeable professional.

Additionally applicants may be denied admission if the HPHA has reason to believe that the conduct of the applicant 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.

1. If the applicant is under the age of eighteen (18), the applicant must submit proof of emancipation.
2. If the applicant owes rent or other charges i.e., money from previous occupancy (move-out balance debt), to any PHA, other federally assisted housing or any Section 8 Program, this debt must be paid prior to the applicant's application being approved for housing.
3. If the applicant has had their lease terminated due to non-payment of rent by the HPHA, other federal assisted housing, or any Section 8 Program. within the previous three (3) year period, the applicant will not be approved for public housing assistance. After the three (3) year period has elapsed, the HPHA will review applications prior to final approval.
4. An applicant must provide a Social Security number for all family members or can document and certify that they do not have a Social Security number. Failure to provide documentation or verification of social security numbers within (60) sixty calendar days of an executed certification may result in denial or termination of assistance.
5. An applicant who is a citizen or non-citizen who has eligible immigration status in (1) one of the following categories is eligible for housing:
  - (a) A non-citizen lawfully admitted for permanent residence, as defined by section 101(a)(20) of Immigration and Nationality Act (INA), as 1101(1)(20 and 110(a)(15), respectively (immigrants). This INA (8 U.S.C. 1160 or 1161), (Special agricultural worker) who has been granted lawful temporary resident status).
  - (b) A non-citizen who entered the U.S. before January 1, 1972 or such later date as enacted by law, and has continuously maintained residence in the U.S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under Section 249 of the (INA)(8 U.S.C.1259)
  - (c) A non-citizen who is lawfully present in the U.S. pursuant to an admission under Section 207 of the INA (9 U.S.C. 1157 (refugee status); pursuant to the granting of asylum (which has not been terminated) under Section 208 of the INA (8 U.S.C. 1158) (asylum status); or as a result of being granted conditional entry under Section 203 (a)(7) of the INA (8 U.S.C. 1153(a)(7) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion, or because of being uprooted by catastrophic national calamity;

- (d) A non-citizen who is lawfully present in the U.S. as a result of an exercise or reasons deemed strictly in the public interest under Section 212(d)(5) of the INA (8 U.S.C. 1182(2)(5) parole status);
- (e) A non-citizen who is lawfully present in the U.S. as a result of the Attorney General's withholding deportation under section 2543(h) of the INA (8 U.S.C. 1253(h) threat to life or freedom; or
- (f) A non-citizen lawfully admitted for temporary or permanent residence under Section 245A of the INA (8 U.S.C. 1255A) (amnesty granted under INA 245A)

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

1. 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 HPHA and
  - (h) To comply with health and safety codes.
  
2. The HPHA will check the applicant's 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 HPHA's applicant screening. Information to be considered in completing applicant screening shall be reasonably 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:

- 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;
  - Adversely affect the physical environment or financial stability of the project;
  - Violate the terms and conditions of the lease;
  - Require services from HPHA staff that would alter the fundamental nature of HPHA's program.
- (c) HPHA will conduct a detailed interview of all applicants using an interview checklist. The checklist is part of the screening procedures used in support of this policy.
- (d) Payment of funds owed to any HPHA, other federally assisted housing, or any Section 8 Program. is a part of the screening evaluation. Payment of outstanding balances is an opportunity for the applicant to demonstrate an improved payment history. Any balance owed to any HPHA for any program must be paid in full prior to the applicant being determined eligible for assistance.
- (e) HPHA will complete a criminal background and sex offender registration check on all applicants including other family members (16) sixteen years of age and older.

3. Screening applicants who claim mitigating circumstances.

If unfavorable information is received about an applicant, consideration shall be provided regarding 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 HPHA's screening assessment of the applicant, mitigating circumstances must be verified.

Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which when verified, would indicate both:

- The reason for the unsuitable rental history and/or behavior;
- 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.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, HPHA shall have the right to refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. HPHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, Such inquires 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.

Examples of mitigating circumstances include, but are not limited to:

- Evidence of successful rehabilitation;
- Evidence of the applicant family's participation in social service or other appropriate counseling service and/or;
- Evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The HPHA will consider the following circumstances:

- The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior;
- The applicant's overall performance with respect to all the screening requirements and;
- 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

Verified information will be analyzed and a determination made with respect to:

- Eligibility of the applicant as a family;
- Eligibility of the applicant with respect to income limits for admission;
- Eligibility of the applicant with respect to citizenship;
- Unit size required for the family;
- Preference category (if any) to which the family is entitled and;
- Qualification of the applicant with respect to the Applicant Selection Criteria.

#### **ITEMS TO BE VERIFIED**

- All income not specifically excluded by the regulations
- Zero-income status of household
- Student status including High School students who are eighteen (18) or over
- Current assets including assets disposed of for less than fair market value in proceeding two years
- Child cares expense where it allows an adult family member to be employed or to further his/her education

- Total medical expenses of all family members in households whose head or spouse is elderly or disabled
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus to allow an adult family member to be employed

## IDENTIFICATION

- Birth Certificate
- Picture ID for all adult family members
- U.S. citizenship/eligible immigrant status
- Social Security Numbers for all 6 years of age or older
- A preference status based upon Ranking or Local preferences
- Familial/Marital status when needed for head or spouse definition
- Disability for determination of preferences, allowances or deductions

Families determined to be qualified will be notified by the HPHA of the approximate date of occupancy insofar as that date can be reasonably determined. However, the date provided by the HPHA 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 HPHA, such turnover rate, and market demands as they affect bedroom sizes and project location.

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 HPHA procedures.

Applicants determined ineligible, he/she will be 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 Review. The applicant may bring any person he/she wishes to represent them at the Informal Review. The request for an Informal Review shall be submitted in writing and received by the HPHA within the time frame established by the HPHA for the review.

### 5. Violence Against Women Act (VAWA): Applicants & Residents

Violence Against Women Act (VAWA) and Department of Justice Reauthorization Act of 2005 (VAWA). VAWA prohibits the eviction of, and removal of assistance from, certain persons receiving public housing assistance if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in Section 3 of the United States Housing Act of 1937 as amended by VAWA (42 U.S.C. 13925). (PIH 2006-23)



The HPHA shall not:

- Terminate a tenancy;
- Fail to renew a tenancy;
- Refuse to enter into a rental agreement; or otherwise retaliate based substantially on:
  - (1) The tenant, applicant, or household members status as victim of domestic violence, sexual assault or stalking, or
  - (2) Tenant or applicant having terminated a rental agreement earlier under N.C.G.S 42-45.1.

HPHA must change locks on a dwelling unit after written request by a “protected tenant”.

**CHAPTER 9**  
(24 CFR 960.600 & 607; PIH Notice 2003-13)

**COMMUNITY SERVICE**

1. GENERAL

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities), or (2) participate in an economic self-sufficiency program unless they are exempt from this requirement. All activities must be approved by the HPHA.

2. EXEMPTIONS

The following adult family members of tenant families are exempt from this requirement:

- A. Age sixty-two (62) years or older.
- B. Blind or disabled (as defined under 216 or 1614 of the Social Security Act 42 U.S.C. 416; 1382) and who certify that because of this disability they are unable to comply with the service provisions or primary caretakers of such individuals.
- C. Engaged in work activities as defined in section 407 (d) of the Social Security Act 42 U.S.C. 607 (d), specified below:
  - Unsubsidized employment;
  - Engaged in work activity of thirty (30) hours or more per week;
  - Subsidized private-sector employment;
  - Subsidized public-sector employment;
  - Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
  - On-the-job-training;
  - Job-search and job-readiness assistance;
  - Community service programs;
  - Vocational educational training (not to exceed twelve (12) months with respect to any individual);
  - Job-skills training directly related to employment;
  - Education directly related to employment in the case of a recipient who has not received a high school diploma or an equivalency;

- Satisfactory attendance at secondary school or in a course of study leading to a certificate of a general equivalence, in case of a recipient who has not completed secondary school or received such a certificate.
  - The provision of childcare services to an individual who is participating in a community service program.
- D. Individuals exempted from work activities by a state program funded under the Social Security Act or by any other state welfare program.
- E. Individuals receiving assistance who have not been found to be in noncompliance with state or TANF requirements.

### 3. NOTIFICATION OF THE REQUIREMENT

Initial notice of the community service requirement will be provided to all applicants at the time of application. The HPHA shall identify all adult family members who are apparently not exempt from the community service requirement.

The HPHA shall notify all such adult family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. The HPHA shall verify such claims.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after 10/1/03. For family's paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

### 4. VOLUNTEER OPPORTUNITIES

Community service includes performing work or duties for 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.

An economic self-sufficiency program is one that is 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, 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).

The HPHA will coordinate with social service agencies, local schools, and the Residents Executive Council (REC) in identifying a list of volunteer community service positions.

## 5. THE PROCESS

At the first annual reexamination on or after October 1, 2003, and each annual reexamination thereafter, the HPHA will do the following:

- A. Provide a list of volunteer opportunities to the family members.
- B. Provide information about obtaining suitable volunteer positions.
- C. Provide a volunteer time sheet to the family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.
- D. Assign family members to a case manager who will assist the family members in identifying appropriate volunteer positions and in meeting their responsibilities. The case manager will track the family member's progress monthly and will meet with the family member as needed to best encourage compliance.
- E. Ninety (90) days before the family's next lease anniversary date, the case manager and the manager will advise the High Point Housing Authority whether each applicable adult family member is in compliance with the community service requirement.

## 6. NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

The HPHA will notify any family non-compliant of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. That the determination is subject to the grievance procedure; and
- C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated;

## 7. OPPORTUNITY FOR CURE

The HPHA will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past twelve (12) month period. The cure shall occur over the twelve (12) month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement. Only one cure is allowed per twenty-four (24) month period. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.

The case manager will assist the family member in identifying volunteer opportunities and will track compliance on a monthly basis.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours after three (3) months, the HPHA shall take action to terminate the lease.

**CHAPTER 10**  
(24 CFR 982.552 & 553; 24 CFR 5.850 & 5.857)

**GROUNDINGS FOR DENIAL OF ADMISSION**

The HPHA will deny admission to applicants who:

- Owe rent, other amounts, or judgments to any PHA or any other federally assisted housing program, the applicant will be declared ineligible. At the HPHA'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.
- Have been evicted from any public housing authority, other federally assisted housing and/or terminated from any Section 8 Program within timeframe specified in the chart of "Terms of Denial of Admissions" as of date of application.
- Do not meet any one or more of the eligibility criteria.
- Do not supply information or documentation in a timely manner;
- Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- Have a history of not meeting financial obligations, especially rent;
- Did not provide information required within the time frame specified during the application process.
- Have engaged in drug-related activity or criminal activity that threatens the health, safety, and right to peaceful enjoyment of other residents or HPHA employees.
- The HPHA shall prohibit admission to any household that includes any individual who is subject to a lifetime sex offender registration program.
- The HPHA may prohibit admission of a household to the program if the HPHA determine that any household member is currently engaged in:
  - 1) gang related activity;
  - 2) fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flee; or
  - 3) violating a condition of probation or parole imposed under Federal or State law.
- Has a record of disturbance of neighbors, destruction of property, or living or housekeeping habits that may adversely affect the health, safety or welfare of the other tenants.

- Has a history of criminal activity involving crimes of physical violence to persons or property and other criminal activity that may adversely affect the health, safety or welfare of residents.
- 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 may be terminated for such misrepresentation.
- The applicant and all adult members must sign a release allowing the HPHA to request a copy of a criminal and/or credit report. If the HPHA uses the information to deny or terminate assistance the HPHA must provide a copy of the information used.
- The parent or legal guardian must sign a release for the HPHA permission to obtain a criminal report on all minor members sixteen (16) and seventeen (17) years of age.
- If an applicant who has been denied admission demonstrates to the satisfaction of the HPHA that; he or she has successfully completed a rehabilitation program approved by the HPHA, is no longer engaging in alcohol or drug related activities; and the person has less than one (1) year before being eligible to apply, the CEO or his/her designee may waive this requirement; If applicant:
  - a) Has successfully completed a supervised drug or alcohol rehabilitation program;
  - b) Has otherwise been rehabilitated successfully; and/or
  - c) Is participating in a supervised drug or alcohol rehabilitation program.

Additionally, applicants may be denied admission if the HPHA has reason to believe that the conduct of the applicant has been such as would be likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare or to affect adversely the physical environment or the financial ability of the project if the applicant were admitted to the project.

If an applicant is denied admission, the HPHA 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) business days to request in writing an Informal Review with the HPHA. The applicant may bring any person he/she wishes to represent them at the informal meeting.

As a general rule, applicants will be denied admission to Public Housing for the following time frames, which shall begin prior to the date of application or from the date of eviction, unless otherwise provided for herein below. Mitigating circumstances may be evaluated by the Department Supervisor or his/her designee and as a result, admission maybe granted on a case-by case basis.

## Terms of Denial of Admission

<b>7-Year Period</b>	<b>5-Year Period</b>	<b>3-Year Period</b>
<b>Violent Felonies or Misdemeanors</b>	<b>Fraud</b>	<b>Evictions for non-payment</b>
<b>All Drug Related Offenses</b>	<b>Destroy/Deface HPHA property</b>	<b>Rental history/records</b>
<b>Non-Lifetime Sexual Offenses</b>	<b>Non-Violent Misdemeanors and Felonies excluding misdemeanor speeding</b>	<b>Housekeeping habits</b>
<b>Weapons Violations</b>	<b>Repeat trespassing on PHA property</b>	<b>Damages</b>
<b>Documented Gang Activity/Affiliation/Member</b>		<b>Disturbances</b>
		<b>Unauthorized Live-ins</b>



**CHAPTER 11**  
(24 CFR 960.203; Public Housing Occupancy Guidebook)

**ORIENTATION AND SCREENING**

A. Standards for Determining Suitability for Public Housing

1. A thorough evaluation of applicants is one of the HPHA's most important jobs. It is essential in maintaining well-managed communities.
2. The HPHA will determine the applicant's suitability

B. Methods of Public Housing Applicant Evaluation:

The HPHA's Assisted Housing Specialist will interview the applicant and conducts personal interviews with the applicant and all adult members listed on the application. Applicants may be evaluated on information pertaining to history of income, employment, landlord and rent paying references, credit, criminal and drug-related background and the ability to live as a productive member of a community. All applicants may be asked to answer a list of standard questions. The HPHA may approve or deny the applicant for housing assistance based on the information obtained during the eligibility determination, interview and third party verifications.

C. The HPHA may deny admission to applicants for public housing who have a history of:

- Bad debt to other PHA's or other federally assisted housing programs;
- Disturbing the neighbors or abusive actions
- Housekeeping habits which may adversely affect the safety, health or welfare of other tenants;
- The HPHA will consider the applicant's criminal record;
- Applicants with drug-related or criminal activity evictions within the past (7) seven years.

**CHAPTER 12**  
(Public Housing Occupancy Guidebook)

**OCCUPANCY GUIDELINES**

It is the HPHA's policy that families of the appropriate size should occupy the units. 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 provided size and composition. These are only guidelines and the maximums may be exceeded at the request of the family, or because of the square footage of a specific unit.

No. of Bedrooms	Min. Persons / Unit	Max. Persons / Unit
0 BR	1	1
1 BR	1	2
2 BR	2	4
3 BR	3	6
4 BR	4	8
5 BR	5	10
6 BR	6	12

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 Department Supervisor or his designee. Further, the HPHA has the right to permit families exceeding the maximums shown above to occupy units when they request such occupancy, and when HPHA determines that the unit in question is large enough.

Families may choose to be placed on the waiting list for a 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:

- 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.
- For verified reasonable accommodations, an additional bedroom may be provided.
- Children of opposite sex, three (3) years or older, may not be required to share a bedroom except at the request of the family.

- 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 three (3).

**IMPORTANT:** The above options will be discussed with each applicant family. Families will also be updated as to the status and movement of the various waiting lists and sub-lists maintained by the HPHA. 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 (for example, the list is moving faster), the family will be required to sign a statement agreeing to occupy until their family size or circumstances change.

**CHAPTER 13**  
(Public Housing Occupancy Guidebook)

**TENANT SELECTION AND ASSIGNMENT PLAN**

**A. ORGANIZATION OF THE WAITING LIST**

It is the HPHA's policy that each applicant shall be assigned his/her appropriate place on a centralized waiting 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 this policy in accordance with HUD regulations and are consistent with the objectives of Titles VI of the Civil Rights Act of 1974 and Title VII of the Civil Rights Act of 1968 and HUD regulations and requirements pursuant thereto. Exceptions to city-wide 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. All applications will be maintained in order of bedroom size, preferences, and then in order of date and time of application; the application will be a permanent file; any contacts between the High Point Housing Authority and the applicant will be documented in the applicant file.

The primary goals of this plan are to:

1. Prohibit the concentration of low-income families in public housing.
2. Income targeting.

The Housing Authority of the City of High Point (HPHA) may not concentrate very low-income families in public housing units in certain public housing projects or certain buildings within projects. The HPHA will submit with its annual HPHA plan and Admissions Policy designed to provide for de-concentration of poverty and income-mixing by bringing higher income tenant into lower income projects and lower income tenants into higher income projects. The HPHA may offer incentives for eligible families having higher incomes to occupy dwelling units in projects predominantly occupied by eligible families having lower incomes and provide for occupancy of eligible families having higher income. The skipping of a family on the waiting list to reach another family to implement de-concentration will be utilized as permitted by HUD.

Not less than forty percent (40%) of new families will have incomes at or below thirty percent (30%) of the area median income.

Other admissions will be at or below eighty percent (80%) of the area median income.

Fundability will be allowed only to the extent that relatively higher income families move into public housing units in census tracts having a poverty rate of at least thirty percent (30%).

## B. METHOD OF APPLICANT SELECTION

The HPHA will first match the characteristics 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 HPHA 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 "B". Under this plan each qualified applicant first in sequence on the waiting list is made three offers of a unit of appropriate size. The applicant must accept the vacancy offered or be removed from the waiting list ("unless the refusal was for good cause").

Selection will be in such a manner as:

- 1) To avoid concentration of the most economic and socially deprived families in (1) one or all of the developments operated by the HPHA.
- 2) To preclude admission of applicants who habits and practices reasonably may be expected to have a detrimental effect on the residents or the environment.
- 3) 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 HPHA's area of operation.
- 4) To give preference to applicants who are otherwise eligible for assistance and who at the time they apply for housing assistance, are living within the jurisdiction of High Point, NC.
- 5) To achieve both the goals of reducing poverty and income mixing in public housing the HPHA will skip over certain applicants on the waiting list based on income to achieve the required percentage of the extremely low-income families.
- 6) Residency preferences will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

## C. ORDER OF APPLICANT SELECTION

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

#### First Preference:

Families who reside inside or whose head of household or spouse is employed or have been hired to work within the corporate limits of the City of High Point. This also includes graduates and/or participants in, education and training programs, provided the education or training program is designed to prepare individuals for the job market within the jurisdiction of High Point, NC. These families shall be ranked in accordance with the following criteria.

- Families that have been determined to be emergencies as defined as: “Displaced by disaster, such as fire or flood; displacement by government action; domestic violence; displacement to avoid reprisals; displacement by hate crimes, or as further defined by Chief Executive Officer.
- Families with at least (1) one adult who is employed. (This ranking is extended equally to elderly families or families whose head or spouse is receiving income based on their inability to work).
- Families where the head or spouse is a veteran or in the service of the military of the United States of America.

#### Second Preference:

Families who do not reside inside the corporate limits of the City of High Point: These families shall be ranked in accordance with the following criteria.

- Families that have been determined to be emergencies as defined as: “Displaced by disaster, such as fire or flood; displacement by government action; domestic violence; displacement to avoid reprisals; displacement by hate crimes, or as further defined by Chief Executive Officer.”
- Families with at least (1) one adult who is employed. (This ranking is extended equally to elderly families or families whose head or spouse is receiving income based on their inability to work).
- Families where the head or spouse is a veteran or in the service of the military of the United States of America.

Applicants will be selected by date and time of application for both first and second preference and within each ranked category shown.

#### D. ACCEPTANCE/REFUSAL OF OFFER

The applicant must accept the vacancy offered within three (3) working days of the date the offer is communicated by mail, or be reoffered when their name reach the top of the list again (unless the rejection is for “good cause”). All applicants will be advised that the unit is being offered to multiple applicants and will be awarded on a first come-first serve basis.

Each applicant will receive three offers before they are removed from the waiting list. (This does not necessarily mean you will be offered a different area each time.)

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 HPHA clear evidence (“good cause”) that acceptance of the offer of a suitable vacancy will result in undue hardship, 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 that adult household member must quit a job, drop out of an educational institution or job training program;
- (2) The family demonstrates to HPHA’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 HPHA’s satisfaction, the refusal of the offer shall not require that the applicant be dropped to the bottom of the waiting list.

The HPHA 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 HPHA will offer such units:

- (1) First, to a current occupant of another unit of the same development under the HPHA’s control, having a disability that requires the special features of the vacant unit (in effect, a transfer of the occupant with disabilities from an un-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 HPHA will require the applicant to agree to move to an available non-accessible unit within thirty (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.



**CHAPTER 14**  
(24 CFR 960.101)

**LEASING AND OCCUPANCY OF DWELLING UNITS**

It is the HPHA'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 a staff member to determine the final approval.

Applicant folders will be processed at the HPHA office to include initial intake, waiting list, management, screening, and offers of housing (including transfers) will be made by public housing staff.

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

Changes in family composition, income, or status between annual re-examinations will be processed at the Property Management Office. Management shall not lease units to families whose occupancy will create an over or under housed situation, except as previously mentioned according to this policy.

The lease shall be signed by the head, spouse, and all adult members of the household accepted as a resident family and by an authorized representative of HPHA, prior to actual admission.

If a resident transfers from (1) one HPHA unit to another HPHA unit, 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 Department Supervisor 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, any 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 to add a household member, the HPHA will conduct a pre-admission screening of the proposed new member. Only new members approved by the HPHA 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 a 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(ren);
- (4) A unit is occupied by a remaining family member(s) under the age of eighteen (18) (and not an emancipated minor) and an adult, not a part of the original household, requests permission to take over as the head of the household.

Residents who fail to notify the HPHA 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. The HPHA will consider such person's unauthorized occupants and the entire household will be subject to eviction.

Visitors may be permitted in a dwelling unit, provided they are reported to the Property Manager prior to their arrival or prior thereto. The manager may authorize visits not to exceed three (3) calendar days within a six (6) month period. Extenuating circumstances will require the approval of the Department Supervisor or his/her designee. Visitors remaining beyond the period of authorization shall be considered unauthorized boarders, lodgers, or unauthorized live-ins 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 HPHA if they will be absent from the unit for more than (7) seven consecutive days. Residents are required to notify the manager and make arrangements to secure the unit and provide a means for the HPHA to contact the resident in the event of an emergency.

For communities with card key access, all guest and/or visitors must be accompanied by the resident while on the premises. If residents provide unauthorized individuals access to card keys without prior approval of the HPHA they will be in violation of the lease agreement and will be subject to eviction.

**CHAPTER 15**  
(24 CFR 903.2; Public Housing Occupancy Guidebook)

**RESIDENT TRANSFERS**

It is the HPHA's policy that transfers will be made without regard to race, sex, sexual orientation, color, religion, national origin, or familial status. Residents will be transferred to accommodate a disability. Transfers will be made within the same community unless there are no vacancies in the current community.

Transfers may be 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 that are verified by a licensed physician who certifies that the transfer is necessary to maintain or improve the resident's quality of health, permit modernization of units, or permit a family that requires a unit with accessible features to occupy such a unit. These addressed transfers shall take priority over new admissions. Each request will be evaluated on a case-by-case basis.

Requests for medical transfers will be made to the Senior Property Manager. The resident will provide the manager with the necessary verification and/or documentation to substantiate the need for a medical transfer. Medical transfers may also be initiated by the HPHA, such as moving a person with mobility problems to a unit with accessible features.

Transfers within 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 thirty (30) day "Notice of Results of Re-examination" that a transfer is recommended and that the family has been placed on the transfer list.

When a head of household, originally housed in a bedroom by him/her, has a child, the child may remain in the parent's bedroom until it is three (3) years of age. After the age of three (3) a transfer may be recommended. Exceptions: Spouse returns to the unit, marriage takes place, or family decides to remain in the unit. (Other than for births that occur during tenancy, the HPHA'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 maybe transferred to two (2) 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 HPHA.

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

Transfers must be approved by the Department Supervisor or designee.

## PRIORITIES OF TRANSFERS

**Priority 1:** Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood. In the event an emergency transfer is needed, the resident will be required to take an appropriate size unit within any available public housing community.

**Priority 2:** Immediate administrative transfers. These transfers are necessary in order to permit families needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.

**Priority 3:** Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain High Point Housing Authority occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by the High Point Housing Authority when a transfer is the only or best way of solving a serious problem.

**Priority 4:** Other administrative transfers. These transfers offer incentives to families through the site-based waiting list and the homeownership program.

### 1. DOCUMENTATION

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer.

### 2. INCENTIVE AND UPWARD MOBILITY/ MOBILITY TRANSFERS

Transfer will be encouraged and approved for families who live in a development where their income category (below or above thirty percent (30%) of area median predominates and wish to move to a development where their income category does not predominate.

Families living in developments have the opportunity to transfer to replacement upward mobility housing. Families approved for such transfers will meet the following eligibility criteria:

Residents must:

- be evaluated and ranked against employed residents or elderly/disabled residents that have resided in public housing for at least twelve (12) months;
- have excellent housekeeping (A home visit will be conducted for all Upward Mobility Program candidates);

- have excellent payment history for twelve (12) consecutive months
- be in good standing with the (HPHA) High Point Housing Authority; and
- not be on probation and owe any retroactive rents or other charges.

## **Rating and Ranking**

Residents will be rated on length of residency, employment, and payment history. The rating process must measure all residents against the same eligibility criteria.

Once residents are selected based on the eligibility criteria, they will be ranked.

The Department Supervisor or designee will determine the point in the order above which all applicants will be selected. This will normally be the point at which there is some meaningful distinction between the residents above and below that point. The eligible residents will be sent a letter of interest and requesting a home visit.

## **Selection**

Because of the nature of the Upward Mobility Program and the fact that the selected residents' circumstances may change over the course of tenure, where practical, selection should be accomplished by the highest ranking of eligible residents.

A list of the best residents for upward mobility will be submitted to the Vice President of Asset Management or his/her designee. All prospective residents will be provided an overview of the program and its requirements, and be required to submit to a home visit.

After the selection, the highest ranking eligible resident will be notified of the selection in writing and offered the next available upward mobility unit.

Eligible residents for upward mobility will be required to:

- pay any additional security deposit to meet the required deposit for the offered unit; and
- agree to tenant paid utilities in the upward mobility units.
- head of household must provide verification of utilities in their name prior to issuance of unit keys.

### **3. PROCESSING TRANSFERS**

Transfers on the waiting list will be sorted by the above priorities and within each priority by date and time.

Transfers in Priorities 1 and 2 will be housed ahead of any other families, including those on the applicant waiting list. Transfers in Priority 1 will be housed ahead of transfers in Priority 2 and Priority 3.

Transfers in Priority 4 will be housed along with applicants for admission.

Upon offer and acceptance of a unit, the family will execute all lease-up documents and pay any rent and/or security deposit within two (2) days of being informed the unit is ready to rent. The family will be allowed three (3) days to complete a transfer. The family may be responsible for paying rent at the old unit as well as the new unit if the family fails to move in the three-day period. The prorated rent and other including any additional security deposit owing must be paid the first of the following month or as determined by the manager.

The following is the policy for the rejection of an offer to transfer:

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list. (Ex. Physical medical reasons, hate crimes, etc.)
- B. If the transfer is being made at the request of the High Point Housing Authority and the family rejects the offer without good cause, the High Point Housing Authority will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the High Point Housing Authority's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.
- C. If the transfer is being made at the family's request and the rejected offer provides de-concentration incentives, the family will maintain their place on the transfer list and will not otherwise be penalized.
- D. If the transfer is being made at the family's request, the family may not, without good cause and without penalty, turn down one offer that does not include de-concentration incentives. After turning down an offer without good cause, the family's name will be removed from the transfer list.
- E. If the transfer is being made at the request of the High Point Housing Authority due to excessive damage such as fire, flood, etc and the unit has been deemed unsafe or uninhabitable. The family may not reject the unit, and if the family rejects the offer without good cause, the High Point Housing Authority will take action to terminate their tenancy. The family will not be allowed to enter the unit without the authorization of the HPHA.

#### 4. COST OF THE FAMILY'S MOVE

The cost of the transfer generally will be borne by the family in the following circumstances:

- A. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;

- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
- D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.
- E. When the transfer is needed because of acts of nature or action or inaction beyond the HPHA's control.

The cost of the transfer will be borne by the HPHA in the following circumstances:

- A. When the transfer is needed in order to carry out rehabilitation activities; or
- B. When action or inaction by the HPHA has caused the unit to be unsafe or inhabitable.

The responsibility for moving costs in other circumstances will be determined on a case- by- case basis.

#### 5. TENANTS IN GOOD STANDING

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the HPHA. This means the family must be in compliance with their lease, current in all payments to the HPHA, and must pass a housekeeping inspection.

#### 6. TRANSFER REQUESTS:

The HPHA will grant or deny the transfer request in writing within ten (10) calendar days of receiving the written request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list.

If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

#### 7. RIGHT OF THE HPHA IN TRANSFER POLICY:

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer or refuse to transfer.

**CHAPTER 16**  
(24 CFR 982.405; 24 CFR 966.4)

**INSPECTIONS**

An authorized representative of the High Point Housing Authority and the head of household will inspect the premises prior to commencement of occupancy. A written statement of the condition of the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in the HPHA's file and a copy provided to the head of household. An authorized HPHA representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law. The resident's security deposit can be used to offset against any HPHA damages to the unit.

1. MOVE-IN INSPECTIONS

The HPHA and the head of household will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be provided to the family and the original will be placed in the tenant file.

2. ANNUAL INSPECTIONS

The HPHA will inspect each public housing unit annually to ensure that each unit meets the HPHA's housing standards. Work orders will be submitted and completed to correct any deficiencies.

3. PREVENTATIVE MAINTENANCE INSPECTIONS

This is generally conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment.

The HPHA will also perform routine pest control treatments.

4. SPECIAL INSPECTIONS

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the HPHA.

5. HOUSEKEEPING INSPECTIONS

The HPHA will conduct housekeeping inspections on complaints from maintenance, police, other agencies, etc, and/or at other times as deemed necessary by the HPHA.



## 6. NOTICE OF INSPECTION

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, UPCS and housekeeping inspections, the HPHA will give the tenant at least two (2) days written notice.

## 7. EMERGENCY INSPECTIONS

If any employee and/or agent of the HPHA has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

## 8. PRELIMINARY MOVE-OUT INSPECTIONS

When a tenant gives notice that they intend to move, the HPHA will schedule a pre-move-out inspection upon request by the family. The inspection allows the HPHA to help the family identify any problems, which, if left uncorrected, could lead to vacate charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the family and in enabling the HPHA to ready units more quickly for the future occupants.

## 9. MOVE-OUT INSPECTIONS

The HPHA conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

## CHAPTER 17

(24 CFR 960.257; Public Housing Occupancy Guidebook)

### ELIGIBILITY FOR CONTINUED OCCUPANCY, ANNUAL RE-EXAMINATIONS and REMAINING FAMILY MEMBERS

The U.S. Department of Housing and Urban Development has developed a new system for Housing Authorities to use to verify the income of their program participants. The Enterprise Income Verification (EIV) system provides comprehensive information about earnings from employment and other income for every household member, including minors. HPHA uses this information to verify the income information provided by the household. The new verification system also enables HPHA staff to identify fraudulent activity by providing data about income sources which have not been reported by the household.

#### 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 eighteen (18).
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members 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) eighteen (18) years of age or older will be responsible for arrearages incurred by the former head or spouse. HPHA 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 eighteen (18).
2. Remaining family members under the age of eighteen (18) shall not be held responsible for the rent arrearages incurred by the former head of household.

#### C. RE-EXAMINATION

1. Regular re-examinations. The HPHA shall at least once a year, re-examine the incomes 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 ninety (90) days until a reasonably 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 and for families working less than twenty-five (25) hours weekly will be scheduled a special re-examination every ninety (90) days. A special reexamination will be scheduled for families with zero income every sixty (60) days
3. Zero Income. Persons reporting zero income will have their circumstances examined every ninety (90) 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. The total of this list will be computed as income.
4. Flat rent re-examinations. Re-examinations of income will be conducted every three (3) years for the families who have chosen to have their rent based on the flat rent method.

Re-examinations of the family composition will be conducted at least annually.

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.

If the family elects to resume income based rent, the family will be ineligible for the flat rent option until the next Annual Reexamination.

#### D. RE-EXAMINATION AND ENTERPRISE INCOME VERIFICATION (EIV) PROCEDURES

- 1) At the time of re-examination, the head of household and all applicable members will be required to sign a Re-examination Data Sheet and all applicable forms as required by HUD and the HPHA. In accordance with 24 CFR 5.233, the HPHA will use the Enterprise Income Verification (EIV) System to verify employment, unemployment benefits, social security benefits and any other income as made available by the EIV system.
- 2) 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 one hundred twenty (120) days).

- 3) Verified information will be analyzed and a determination made with respect to:
- 4) Eligibility of the resident as a family or as the remaining member of a family;
- 5) Unit size required for the family;
- 6) Rent the family should pay.
- 7) Income shall be computed in accordance with the definitions and procedures set forth in this policy.
- 8) 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. Failure to comply will result in termination of the lease.
- 9) Child support shall be counted until it has stopped for a period of 60 consecutive days. (With the exception, if resident can bring in documentation from caseworker that the child support will stop for reasons beyond residents control such as payee stop working, cannot locate payee, no longer eligible, etc. the change will become effective the following month of the reported change.) If a person volunteers to stop payments, that income will continue to be counted. If person request child support to be stopped due to arrangement with father to pay, we will continue to count the original child support order.

E. ACTION FOLLOWING RE-EXAMINATION

- 1) A Notice of Rent Adjustment will be issued.
- 2) 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.
- 3) The HPHA shall not commence eviction proceedings or refuse to renew a lease, based upon the income of the resident family unless:
  - a) 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
  - b) 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.

## CHAPTER 18

(24 CFR 5.630; 24 CFR 966.4; Public Housing Occupancy Guidebook)

### INTERIM AND SPECIAL RENT ADJUSTMENT / MINIMUM RENT

#### A. MINIMUM RENT

A family must pay the greatest of thirty percent (30%) of the monthly adjusted income, ten percent (10%) of monthly income, or the HPHA's statutory minimum rent, as defined in Chapter 6, paragraph 42 of this policy.

#### B. RENT ADJUSTMENT

- 1) Residents must report all changes in family composition, status, or income to the housing specialist within ten (10) calendar days of the occurrence. Failure to report within ten calendar days may result in a retroactive rent charge.
- 2) Not all changes in family income between re-examinations will result in a rent change. The HPHA will process interim changes in rent in the following cases:
  - It is necessary to correct any error made by a previous rent determination;
  - A reduction in family income has occurred which is expected to continue for a period of more than thirty (30) days;
  - The Resident or any member of the Resident's family not previously employed becomes employed;
  - A change in employment for any household member;
  - When a new member is added to the family composition, and has income;
  - Family composition increase or decreases;
  - The Resident or any member of the Resident's family, who previously was not receiving government assistance in the form of TANF, Work First, Social Security Benefits, SSI, Unemployed Benefits, etc., begins to receive such benefits.
- 3) The family must promptly furnish to the HPHA any letter or other notice furnished by HUD to a member of the family providing information concerning the amount or verification of family income.

The HPHA will verify the accuracy of the income formation received from the family and change the amount of the total tenant payment,

tenant rent, or terminate assistance, as appropriate based on such information.

C. CHANGE IN FAMILY COMPOSITION:

If any change in family composition through marriage, divorce, separation, birth, death, adoption, court order, governmental placement, or any other change. The Resident shall report to the management field offices all additions to the family and reductions on an interim change form provided by the HPHA within ten (10) days after the event; however, no change shall be effective until approved by the HPHA. Additional family members shall not occupy the dwelling unit until approved by the HPHA.

- Additions to the family shall be verified with applicable documentation in the same fashion that family members were verified during the initial admission process; no person's name shall be added to the lease without this verification.
- Reductions in family composition shall be verified by divorce decree, death certificate, newspaper obituary, landlord rental statement, court order, school record or notarized statement.
- In the case of the head of household requesting that a remaining member of the family other than the spouse become head of household, or in the case of a remaining family member requesting to become head of household, all rent, back rent, repair and utility charges shall be paid in full prior to approval by the Authority. The remaining member other than the spouse shall be eighteen (18) years of age or older (or be an emancipated minor), have the ability to manage a household and agree to comply with the terms of the lease (excluding upward mobility units).

D. INTERIM ADJUSTMENTS

Interim adjustments in rent shall become effective as follows:

- (1) Increases in rent shall become effective as follows:
  - On the first day of the second month following the increase in family income.
  - On the first day of the month following the correction of an error made at a previous rent determination.
- (2) Decreases in rent shall become effective:
  - On the first day of the month following the reporting of a decrease in family income.

- On the first day of the month following the reporting of a change in family size.
- 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.

D. OTHER INTERIM REPORTING ISSUES

- A special reexamination does not affect the date of the annual recertification.
- An special reexamination will be scheduled for families with zero income every sixty (60) days
- A special reexamination will be scheduled for families working less than twenty-five (25) hours every ninety (90) days.

E. FAILURE TO REPORT ACCURATE INFORMATION (24 CFR 966.400)

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 HPHA's dwelling lease. If residents are charged retroactive twice during the tenure with the HPHA, lease will be subject to termination.

F. Repayment Agreements (24 CFR 792.102)

When a resident owes the HPHA back charges (to include those under a hardship situation and other charges) and is unable to pay the balance by the due date, the resident may request that the HPHA allow them to enter into a Repayment Agreement. The HPHA has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months unless approved by the Vice President of Asset Management/Operations.. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

G. SECURITY DEPOSIT (24 CFR 960.400)

The Security Deposit will be based on the market rate rent based and the bedroom size of the unit (see Flat Rent Schedule). Security deposits will be broken up into six (6) installment payments. The minimum installment shall not be less than \$50. The security deposit is due and payable on the first day of occupancy; however, with approval of the HPHA, the Resident may pay the security deposit in not more than six installments and payable on the first day of the following months. The security deposit may not be used



to pay rent or for other charges while the Resident is in occupancy. The HPHA will refund to the Resident the full amount of the security deposit less any amounts due as a result of unpaid rent, damages, utilities and any other charges which may be due.

Refunds or notices regarding charges shall be mailed to the Resident within thirty (30) days from the date on which the resident moves or in cases where the Resident moves without notifying the HPHA, such refunds or notices regarding charges shall be mailed thirty (30) days from the date which the unit is found to be vacant.

In event of the death of the tenant, rent will be terminated on the date the unit is vacated by the family and the keys are turned in to the HPHA (See Key Policy).

H. FLAT RENTS (24 CFR 960.253)

The HPHA has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The HPHA determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be provided a thirty (30) day notice of any rent change. Adjustments are applied on the anniversary date for each affected family (The security deposit will be based the on flat rents for each community).

The HPHA will post the flat rents at each of the Property Management Offices and at the Central Office, and are incorporated in this policy upon approval by the Board of Commissioners.

**CHAPTER 19**  
(24 CFR 880.607)

**LEASE TERMINATION PROCEDURES**

All lease terminations and evictions will be processed in accordance with the HPHA's current dwelling lease and Grievance Procedure. The HPHA'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. (Refer to Appendix #1 for Dwelling Lease)

The dwelling lease may not cover every specific situation that warrants a lease termination; therefore, for good cause the HPHA may terminate a lease for reasons that are not specifically listed in the dwelling lease. (Refer to Appendix # 2 - Trespassing Policy.)

**DEBTS OWED TO PUBLIC HOUSING AGENCIES**

The U.S. Department of Housing and Urban Development maintains a national repository of debts owed to Public Housing Authorities (PHA) and adverse termination of former participants of the above-listed HUD rental assistance programs. This information is maintained within HUD's Enterprise Income Verification (EIV) system, which is used by Public Housing Agencies to verify employment and income information of program participants, as well as to reduce administrative and rental assistance payment errors. The EIV system is designed to assist PHAs and HUD in ensuring that families are eligible to participate in HUD rental assistance program and determining the correct amount of rental assistance a family is eligible for. All PHAs are required to use this system.

HUD requires PHAs, which administer the above-listed rental housing programs, to report certain information at the conclusion of your participation in a HUD rental assistance program. This notice provides you with information on what information the PHA is required to provide HUD, who will have access to this information, how this information is used and your rights. PHAs are required to provide this notice to applicants and program participants.

The following information is collected about each member of your household (family composition): 1) Full Name; and 2) Date of Birth; and 3) Social Security Number.

The following information is collected once your participation in the housing program has ended or you move out of an assisted unit: 1) Amount of any balance you owe the HPHA (up to \$500,000); and 2) Whether or not you have entered into a repayment agreement for the amount that you owe the HPHA; and 3) Whether or not you have filed for bankruptcy; and 4) The negative reason for your end of participation in the housing program (for example: abandoned unit, fraud, criminal activity, failure to comply with lease, etc.)

**CHAPTER 20**  
(24 CFR 966.51)

**COMPLAINTS AND GRIEVANCE PROCEDURE**

Complaints and grievance Procedures shall be accomplished in accordance with the HPHA approved Grievance Procedure. The grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals. (Refer to Appendix #3 for Grievance Procedure).

**CHAPTER 21**  
(24 CFR 882.511)

**NOTICE REQUIREMENTS**

No resident shall be provided a Notice of Termination without being notified by the HPHA 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 provided the opportunity to make such a reply as he/she may wish. Certain actions are excluded from the Grievance Procedure, specifically; any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or HPHA employees; and any drug-related criminal activity on or off the premises.

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

## CHAPTER 22

### RECORD KEEPING REQUIREMENTS

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

1. Name or 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.

**CHAPTER 23**  
(24 CFR 965.506)  
**UTILITIES**

**PHA SUPPLIED UTILITIES**

Residents in units where the HPHA pays the utilities may be charged for excess utilities if additional appliances or equipment are used in this unit or the family usage of the utilities over the allowance established by the HPHA. (This does not apply to the elderly).

**TENANT PAID UTILITIES**

If the cost of any utility is not included in the rent but is the responsibility of the Resident in the dwelling unit, the utility allowance shall constitute the estimate of the monthly cost of a reasonable consumption of utilities for the dwelling unit by an energy- conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

Resident living in all upward mobility units will be required to furnish utilities in the head of household name and will be required to provide proof of such utilities in their name prior to receiving keys to the unit. If at anytime that it is discovered that the HPHA has paid any utilities during tenancy, the resident will be required to repay the HPHA.

**CHAPTER 24**  
(24 CFR 5.858)

**ONE STRIKE POLICY**

**A. PURPOSE**

Federally Assisted Housing is intended to provide a safe and decent place for eligible families to live; free of drug and criminal related activities and alcohol abuse that lead to behavior that threatens the health, safety, and peaceful enjoyment of the premises by all residents. It is the intention of the Housing Authority of the City of High Point to fully endorse and implement a policy that is designed to:

1. Keep our program participants free from threats to their family and safe from criminal activity;
2. Help create and maintain a safe, alcohol and drug-free environment.

**B. 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 HPHA will involve other community and governmental entities, in the promotion and enforcement of this policy.
3. This policy is posted on the HPHA's bulletin board and with copies made readily available to residents and participants upon request.

**C. SCREENING OF APPLICANTS**

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

Such a screening will apply to any member of the household who is sixteen (16) years of age or older or who is an emancipated minor.

#### D. HUD Definitions

Drug related criminal activity is the illegal manufacture, sale, distribution, use, possession of, 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.

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

#### E. STANDARD FOR VIOLATION

The HPHA will deny participation in the program to applicants and terminate assistance to participants in cases where the HPHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the HPHA determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse.

HPHA will deny occupancy and/ or terminate assistance on the basis of illegal drug-related activities and alcohol abuse when such abuse leads to behavior that threatens the health, safety or peaceful enjoyment of the premises by other residents.

#### F. DRUG RELATED AND VIOLENT CRIMINAL ACTIVITY

Ineligibility if Evicted for Drug Related Activity: Persons evicted from Public Housing, federally assisted housing, Indian Housing, Section 23 or any Section 8 Program because of drug-related criminal activity are ineligible for admission for a seven-year(7) period beginning on the date of such eviction.

Applicants will be denied assistance and participants will be terminated due to drug-related criminal activity and/or violent criminal activity.

Applicants will be denied admission for life that has been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed" on the premises of the Public Housing Community.

Admission will be denied for life to any household that includes any individual who is subject to a lifetime registration requirement under a State Sex Offender Registration Program.

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



In appropriate cases, the HPHA 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 HPHA may consider individual circumstances with the advice of Juvenile Court officials.

#### G. NOTICE OF TERMINATION OF ASSISTANCE

In any case where the HPHA decides to terminate assistance to the family, the HPHA 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 HPHA.

#### H. 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.

If the evidence determine that the residents or family members has engaged in the criminal activity, regardless of whether the resident or individual has been arrested or convicted for such activity and without satisfying a criminal conviction standard of proof of the activity.

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

#### I. CONFIDENTIALITY OF CRIMINAL RECORDS

The HPHA 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.

## CHAPTER 25

### VIOLENCE AGAINST WOMEN ACT – POLICY AND PROCEDURES

#### A. STATEMENT OF VIOLENCE AGAINST WOMEN ACT:

The Violence Against Women and Justice Department Reauthorization Act of 2005 protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them.

In general, the law provides in part that criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of tenant's household or any guest or the person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse. The law also provides that an incident or incidents of actual threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim or threatened victim of that violence and will not be a "good cause" for termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

#### B. CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING:

HPHA Staff responding to an incident or incidents of actual or threatened domestic violence, dating violence or stalking that may affect a tenant's participation in the housing program to request in writing that an individual complete, sign and submit within fourteen (14) business days of the request, a HUD-approved certification form.

In lieu of a certification form, or in addition to the certification form, a tenant may provide to the HPHA:

- 1) Federal, State, Tribal, Territorial, or Local Police or Court Record
- 2) Signed Documentation by an employee, agent or volunteer of a victim service provider, an attorney or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, or the stalking has signed or attested to the documentation.

HPHA is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive the protections of VAWA. HPHA, at its discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

HPHA will be mindful that the delivery of the certification form to the tenant in response to an incident via mail may place the victim at risk, e.g. the abuser may monitor the mail. Therefore, the HPHA staff may require the tenant to come to the office to pick up the certification form and are encouraged to work with tenants to make delivery arrangements that do not place the tenant at risk.

#### C. NOTICE AND CONFIDENTIALITY:

VAWA requires that HPHA must notify tenants of their rights under VAWA, which includes the existence of HUD-50066 form and the right to confidentiality and limits thereof. In doing so, the HPHA may make the certification form available to all eligible families at the time of admission. Also, in the event of a termination or start of an eviction proceeding, the HPHA may enclose the form with the appropriate notice and direct the family to complete, sign and return the form (if applicable) by a specified date.

All information provided to the HPHA relating to the incident(s) of domestic violence, including the fact that an individual is a victim of domestic violence, dating violence, or stalking must be retained in confidence by the HPHA and must neither be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is requested or consented by the individual in writing, required for use in an eviction proceeding or termination assistance or, otherwise required by applicable law.

## CHAPTER 26

### EIV POLICY AND PROCEDURES

EIV reports will be kept in the tenant/participant file and those files will remain secure at all times. The secure location is the filing cabinets in the locked Section 8/Public Housing filing room. The Section 8/Public Housing filing room shall remain locked at ALL times. If an authorized user of EIV is working on a particular file, the file will be locked in their office when they are absent from their office.

- EIV users are prohibited from sharing their EIV computer logon and password information.
- EIV users will never leave EIV data displayed on their computer screens. If an authorized EIV user is viewing EIV data and an unauthorized person approaches the work area, the authorized user will minimize or close the EIV screen.
- EIV users shall not save any EIV data to a computer hard drive or any other automated information system.
- EIV users shall not override the authorized access levels by providing EIV data to others who have limited or no access to the data.
- EIV users shall retrieve computer printouts as soon as they are generated so that EIV data is not left lying unattended in printers where unauthorized persons may access them.
- Once the EIV data has been printed and used for income verification purposes, it will be placed in the tenant/participant file which will be kept in the locked S8/PH filing room. Inactive files will be kept for three years in the locked S8/PH and then they will be shredded.
- Improper disclosures of EIV information shall be reported directly to the Department Supervisor or his/her designee. The Department Supervisor shall investigate all reported incidents and if improper disclosure has occurred, disciplinary action will be taken immediately. All incidents will be documented and placed in the employee's personnel file.
- Unauthorized access or a known security breach will be reported immediately to the HPHA's Department Supervisor, who in turn, will report it immediately to HUD-Greensboro staff.
- These security measures have been and will continue to be discussed during periodic Section 8 / Public Housing meetings.