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**ADMISSIONS AND CONTINUED OCCUPANCY POLICY
GOVERNING HUD-AIDED PUBLIC HOUSING**

I. Nondiscrimination

A. Complying with Civil Rights Laws

1. Civil rights laws protect the rights of applicants and residents to equal treatment by the Housing Authority in the way it carries out its programs. It is the policy of the Housing Authority (PHA) to comply with all Civil Rights laws, including but not limited to:
 - Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex;
 - Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination;
 - Executive Order 11063;
 - Section 504 of the Rehabilitation Act of 1975, which establishes certain rights of the elderly;
 - Title II of the Americans with Disabilities Act, otherwise Section 504 and the Fair Housing Amendments govern, (Title II deals with common areas and public space, not living units.);
 - Any applicable State laws or local ordinances, and
 - Any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted.
2. The PHA shall not discriminate because of race, color, national origin, sex, religion, familial status, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land that is part of a development under the PHA's jurisdiction covered by a public housing Annual Contributions Contract with HUD.
3. The PHA shall not, on account of race, color, national origin, sex, religion, familial status, or disability:
 - (a) Deny anyone the opportunity to apply for housing (when the waiting list is open) nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
 - (b) Provide anyone housing that is different (of lower quality) from that provided others;
 - (c) Subject anyone to segregation or disparate treatment;
 - (d) Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;

- (e) Treat anyone differently in determining eligibility or other requirements for admission;
 - (f) Deny anyone access to the same level of services; or
 - (g) Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.
4. The PHA shall not automatically deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents or families whose head or spouse is a student). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior.
 5. The PHA will correct situations or procedures that create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of the PHA's housing program and non-housing programs, in accordance with Section 504, and the Fair Housing Amendments Act of 1988, there are requirements, optional actions and prohibitions:
 - (a) The PHA **must**, upon request by an applicant or resident with a disability,
 - Make structural modifications to its housing and non-housing facilities and
 - Make reasonable accommodations in its procedures or practices **unless** such structural modifications or reasonable accommodations
 - Would result in an undue financial and administrative burden on the Authority, or
 - Would result in a fundamental alteration in the nature of the program
 - (b) In making structural modifications to "Existing housing programs" or in carrying out "Other Alterations" for otherwise qualified persons with disabilities, the PHA **may**, but is not required to:
 - Make each of its existing facilities accessible; or
 - Make structural alterations when other methods can be demonstrated to achieve the same effect;
 - Make structural alterations that require the removal or altering of a load-bearing structural member;
 - Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level;
 - (c) When the PHA is making "Substantial Alterations" to an existing housing facility, the PHA may, but is not required to:
 - Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level;
 - Make structural alterations that require the removal or altering of a load-bearing structural member; or

- Make structural alterations to meet minimum accessibility requirements where it is structurally impracticable also.
Note that the undue burdens test is not applicable to housing undergoing substantial alteration.
6. The PHA will not permit these policies to be subverted to do personal or political favors. The PHA will not offer units in an order from that prescribed by this policy, since doing so violates the policy, federal law, and the civil rights of the other families on the waiting list.

B. Making Programs and Facilities Accessible to People with Disabilities

1. Facilities and programs used by residents will be accessible to a person in a wheelchair. Application and management offices, hearing rooms, community centers, day care centers, laundry facilities, craft and game rooms, etc. (to the extent that the PHA has such facilities) will be usable by residents with a full range of disabilities. To the extent that the PHA offers such facilities, if none is already accessible, some will be made so, subject to the undue financial and administrative burden test.
2. Documents used by applicants and residents will be accessible for those with vision or hearing impairments. Also, all documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Unless prohibited by local law, documents may be translated in languages other than English.
3. PHA will present examples to help applicants and residents understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance. In writing materials for applicants and residents, PHA staff will be prepared to explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read or understand.
4. When the PHA has initial contact with the applicant, staff will ask whether the applicant requires an alternative form of communication. Alternative forms of communication might include: sign language interpretation; having materials explained orally by staff, either in person or by phone; large type materials; information on tape; having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials; and permitting applicants to file applications by mail.
5. Some applicants will not be able to read (or to read English), so intake staff must be prepared to read and explain anything that they would normally hand to an applicant to be read or filled out. Applicants who read or understand little English may furnish an interpreter who can explain what is going on. The PHA is not required to pay the costs associated with having a foreign language interpreter (as they are for a sign language interpreters for the hearing impaired because the Fair Housing law makes no such requirement).
6. At a minimum, the PHA will prepare information to be used by applicants and residents in plain-language accessible formats.

II. Eligibility for Admission and Processing of Applications

A. Affirmative Marketing

1. The PHA will conduct affirmative marketing as needed so the waiting list includes a mix of applicants with races, ethnic backgrounds, ages and disabilities proportionate to the mix of those groups in the eligible population of the area. The marketing plan will take into consideration the number and distribution of vacant units, units that can be expected to become vacant because of move-outs, and characteristics of families on the waiting list. The PHA will review these factors regularly to determine the need for and scope of marketing efforts. All marketing efforts will include outreach to those least likely to apply.
2. Marketing and informational materials will:
 - (a) Comply with Fair Housing Act requirements on wording, logo, size of type, etc;
 - (b) Describe the housing units, application process, waiting list and preference structure accurately;
 - (c) Use clean and easy to understand terms and more than strictly English-language print media;
 - (d) Contact agencies that serve potentially qualified applicants lease like to apply (e.g., the disabled) to ensure that accessible/adaptable units are offered to applicants who need their features;
 - (e) Make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
 - (f) Be clear about PHA's responsibility to provide reasonable accommodations to people with disabilities.

B. Qualifying for Admission

1. It is the PHA's policy to admit **only** qualified applicants.
2. An applicant is qualified if he or she meets all of the following criteria:
 - (a) Is a family, as defined in Section XII of this policy;
 - (b) Meets HUD requirements on citizenship of immigration status;
 - (c) Has an Annual Income (as defined in Section XI of this document) at the time of admission that does not exceed the income limits (maximum incomes by family size established by HUD) posted in PHA offices.
 - (d) Provides documentation of Social Security numbers for all family members, or certifies that they do not have Social Security numbers; and
 - (e) Meets the Applicant Selection Criteria in Section II. F. of these policies, including completing a PHA-approved pre-occupancy orientation session if requested.

C. Establishing and Maintaining the Waiting List

1. It is the policy of the PHA to administer its waiting list as required by HUD's regulations.
2. Opening and Closing Waiting Lists
 - (a) For any unit size or type, if the PHA's waiting list has sufficient applications to fill anticipated vacancies for the coming 12 months, the PHA may elect to: (a) close the waiting list completely; (b) close the list during certain times of the year; or (c) restrict intake by preference, type of project, or by size and type of dwelling.
 - (b) A decision to close the waiting list will consider the number of applications for each size and type of unit, the number of applicants who qualify for a preference, and the ability of the PHA to house applicants in twelve to eighteen months. Decisions to close waiting list, restrict intake, or open waiting lists will be publicly announced.
 - (c) When the waiting list is closed, the PHA will not maintain a list of individuals who wish to be notified when the waiting list is reopened.
3. Determining if the Waiting List may be Closed

The PHA will close the waiting list only when there are ample applications that cannot be housed within 18 months.
4. Updating the Waiting List
 - (a) The waiting lists will be updated periodically and names will be removed from the waiting list for failure to respond to requests for information, application updates (failure to notify the HA of a change of address), or if correspondence is returned from the Post Office. If the applicant did not notify the HA of a move as required, the HA will not be responsible for the applicant's failure to receive the updated request. If the letter is returned by the Post Office with a forwarding address noted, the HA will resend the letter. Applicants will be given ten (10) working days to return the notice of continued interest. Any applicant's name for refusal of the first offer will be placed at the bottom of the waiting list, and after the third offer, the name will be removed from the waiting list. The HA will not remove names from the waiting list that would violate the rights of a handicapped, mobility impaired, or hearing impaired person. Reasonable accommodations for application or updates will be proved to handicapped (mobility impaired or hearing impaired) applicants.
5. Change in Preference Status While on the Waiting List
 - (a) Situations of some families who did not qualify for a local or ranking preference when they applied may change so they are qualified for a preference. The family should contact the PHA so their status may be recertified or reverified. Applicants whose preference status changes while they are on the waiting list retain their original date and time of application or application number, as applicable.

- (b) If the PHA determines that the family does now qualify for a preference, they will be moved up on the waiting list in accordance with their preference(s) and their date and time of application. They will then be informed in writing of how the change in status has affected their place on the waiting list.

D. Processing Applications for Admission

1. The PHA will accept and process applications in accordance with applicable HUD Regulations. The PHA will assume that the facts certified to by the applicant in the preliminary application are correct, although all those facts will be verified later in the application process.
2. Interview and Verification Process.

As applicants approach the top of the waiting list, they will be contacted and asked to come to the PHA for an interview to complete their applicant file. Applicants who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will have their applications withdrawn, subject to reasonable accommodations for people with disabilities.

 - (a) The following items will be verified to determine qualification for admission to the PHA's housing:
 - (i) Family composition and type (Elderly/Disabled/near elderly/non-elderly);
 - (ii) Annual income;
 - (iii) Assets and Asset Income;
 - (iv) Deductions from Income;
 - (v) Preferences;
 - (vi) Social Security Numbers of all Family Members;
 - (vii) Applicant Screening Information; and
 - (viii) Citizenship or eligible immigration status.
 - (b) Third party written verification is the required form of documentation to substantiate applicant of resident claims. If attempts to obtain third party written verification are unsuccessful, the PHA may also use
 - (1) phone verifications with the results recorded in the file, dated, and signed by the PHA staff,
 - (2) review of documents, and if no other form of verification is available,
 - (3) applicant certification. Applicants must cooperate fully in obtaining or providing the necessary verifications.
 - (c) Verification of eligible immigration status shall be carried out pursuant to 24 CFR 5.5 Citizens are permitted to certify to their status.
3. Applicants reporting zero income will be asked to complete a family expense form to document how much they spend on: food, transportation, health care, child care, debts, household items, etc. and what the source of income is for these expenses.
4. PHA's applications for admission for public housing shall indicate for each application the date and time of receipt; applicant's race and ethnicity;

determination by PHA as to the eligibility of the applicant; when eligible, the unit size(s) for which eligible; preference, if any; and the date, location, identification, and circumstances of each vacancy offered and accepted or rejected.

E. The Preference System

1. An admission preference does not guarantee admission. Preferences establish the order of placement on the waiting list. Every applicant must still meet the PHA's Selection Criteria before being offered a unit.
2. Factors other than preferences that affect the selection of applicants from the waiting list.

Before applying its preference system, the PHA will match the characteristics of the available unit to the applicants available on the waiting list. Unit size, accessibility features, or type of project, limit the admission of families to households whose characteristics "match" the vacant unit available.

By matching unit and family characteristics, families lower on the waiting list may receive an offer of housing before families with an earlier date and time of application or families with a higher preference (e.g. the next unit available is an accessible unit and the only applicant family needing such features is in the non-preference pool, i.e. having no preference).

Factors other than the preference system that affect applicant selection are described below:

(a) When selecting a family for a unit with accessible features, the PHA will give a preference to families that include persons with disability who can benefit from the unit's features. First preference will be given to existing tenant families seeking a transfer and second preference will be given to applicant families

(b) When selecting a family for a unit in housing designated for elderly families, or disabled families, if any, PHA will give a priority to elderly, disabled or near elderly families.

(c) When selecting a family for a unit in a property that houses elderly and disabled families, as opposed to a general occupancy development that houses non-elderly families as well, the PHA will give equal priority to elderly families and disabled families.

(d) When selecting a single person at a Mixed Population development, elderly, disabled or displaced single persons have priority over other singles. Single applicants who are not elderly, disabled or displaced can only be admitted after all elderly or disabled families or single displaced persons have been offered units.

Preferences will be granted to applicants who are otherwise qualified and who, at the time of the unit offer (prior to execution of a lease), meet the definitions of the preference described below.

3. Local Preference

There is one local preference in effect based on ranges of income. Applicants will be grouped as follows:

- **Tier I:** Families with incomes between 0% and 30% of area median income (this group **must** constitute at least 40% of all admissions in any year);
- **Tier II:** Families with incomes between 31% and 80% of area median income (the target for this group is 60% of all admission in any year).

4. Ranking Preference

5. There is one possible ranking preference in effect: **Working Preference**. Applications will be accepted from all applicants and names placed on waiting list by date and time of application. Families that do not qualify for the Working Preference will be categorized as No-preference families.

6. Mixed Population Buildings Local Preference

In addition to the Income Tier preference, which applies to all PHA's developments, the PHA elects to retain the former Federal priority for single persons who are elderly and persons with disabilities over all other single persons when filing vacancies in its Mixed Population buildings.

7. Method of Applying Preferences

To ensure that the PHA admits the statutorily required 40% of applicants per year with incomes in Tier I and, at the same time, does not create concentrations of families by income at any of its properties, PHA will rank applicants within both income tiers, in order, as Working or no-preference. Four out of every ten applicants admitted will be from Tier I. Within each of the ranking preference categories, offers will be made by oldest application.

- (a) The PHA will house applicants from Tiers I and II on the waiting list by selecting first from working applicants within each Tier, and then if the Working applications are exhausted, by selecting from the No-preference applicants within each Tier.
- (b) The PHA will also offer units to existing residents on the transfer list. Some types of transfers are processed before new admissions and some types of transfers are processed with new admissions, using a ratio set forth in the Tenant Selection and Assignment Plan (TSAP). Transfers do not count toward the 40% Tier I requirement.
- (c) The PHA will not hold units vacant for applicants with preferences, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with preference.

7. Definition of Working Preference

The PHA defines working to include applicants with adult members who can document that they are employed or involved in job training, including job training undertaken as a requirement of persons receiving Temporary Assistance to Needy Families. Persons who cannot work because of age or disability also qualify for this ranking preference. These sub-categories are equal.

8. Designated Housing

The preference system will be used to match the characteristics of the family to the type of unit available, including developments with HUD-approved designated populations. The ability to provide preferences for some family types will depend on unit size available.

- (a) Units designated for the elderly: Elderly families will receive a priority for admission to units or buildings covered by a HUD-approved Designation Plan. Where there are insufficient elderly families, near-elderly families will receive a priority for this type of unit.
- (b) Units designated for disabled families: Disabled families will receive a priority for admission to units or buildings covered by a HUD-approved Designation Plan.
- (c) Mixed population Projects: Elderly families, disabled families and persons displaced by governmental action will receive equal priority for admission to such units and all such will receive offers before single people who are not elderly, disabled or displaced.
- (d) General Occupancy Projects: The priority for elderly and disabled families and displaced persons over single persons does not apply at General Occupancy Properties.

9. Administration of the Preferences

- (a) Depending on the time an applicant may have to remain on the waiting list, the PHA will either verify preferences at the time of application (when the waiting list is short or non-existent). Verifying preferences is one of the earliest steps in processing applicants for admission. Preference verifications will be no more than 60 days old at the time of certification.
- (b) The PHA may use a pre-application to obtain the family's certification that it qualifies for a preference. The family will be advised to notify the PHA of any change that may affect their ability to qualify for a preference.
- (c) Applicants that are otherwise eligible and self-certified as qualifying for a preference will be placed on the waiting list in the appropriate applicant pool.
- (d) Applicants that self-certify to a preference at the time of pre-application and cannot verify current preference status at the time of certification will be moved into the No-preference category and to a lower position on the waiting list based on date and time of application.

10. Notice and Opportunity for a Meeting

If an applicant claims but does not qualify for a preference, the applicant can request a meeting:

- (a) The PHA will provide a notice that an applicant does not qualify for a preference containing a brief statement of the reasons for the determination, and that the applicant may meet with the PHA's designee to review the determination.

- (b) If the applicant requests the meeting, the PHA will designate someone to conduct the meeting. This can be the person who made the initial determination or reviewed the determination of his or her subordinate, or any other person chosen by the PHA. A written summary of this meeting shall be made and retained in the applicant's file.
- (c) The applicant will be advised that he/she may exercise other rights if the applicant believes that illegal discrimination, based on race, color, national origin, religion, age, disability, or familial status has contributed to the PHA's decision to deny the preference.

F. Screening Applicant for Admission

1. All applicants shall be screened in accordance with HUD's regulations and sound management practices. During screening, the PHA will require applicants to demonstrate ability to comply with essential provisions of the lease as summarized below:

- (a) to pay rent and other charges (e.g. utility bills) 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 the premises by other residents or staff; and not to engage in drug-related criminal activity; and
- (g) to comply with necessary and reasonable rules and program requirements of HUD and the PHA.

2. How the PHA will check ability to comply with essential lease requirements:

- (a) Applicant ability and willingness to comply with the essential lease requirements will be checked and documented. Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing. Any cost incurred to complete the application process and screening will be paid by the PHA.
- (b) The history of the applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected **not to**:
 - (i) Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
 - (ii) Adversely affect the physical environment or financial stability of the project;
 - (iii) Violate the terms and conditions of the lease;

- (iv) Require services from PHA staff that would alter the fundamental nature of PHA's programs.
- (c) The PHA will conduct a detailed interview of all applicants using an interview checklist as a part of the screening procedures. The form will ask questions based on the essential elements of tenancy. Answers will be subject to third party verification.
- (d) The PHA will complete a credit check and a rental history check on all applicants.
- (e) Payment of funds owed to the PHA or any other housing authority is part of the screening evaluation. The PHA will reject an applicant for unpaid balances owed the PHA by the applicant for any program that the PHA operates.
- (f) The PHA will complete a criminal background check on all adult applicants or any member for whom criminal records are available. Before the PHA rejects an applicant on the basis of criminal history, the PHA must notify the household of the proposed rejection and provide the household member whose criminal history is at issue with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.
- (g) If any screening activity suggests that an applicant household member may be currently engaged in illegal use of drugs, the PHA shall seek information from a drug abuse treatment facility to determine whether the facility has reasonable cause to believe the household member is currently engaging in illegal drug use.
- (h) The PHA will complete a home visit on all applicants that have passed criminal history screening and have incomplete or questionable landlord references to determine if applicant's housekeeping would create health or sanitation problems. Staff completing the home visit will consider whether the conditions they observe are the result of the unit or are caused by the unit's overall substandard condition.
- (i) Housekeeping criteria to be check shall include, but not be limited to:
 - Conditions in living room, kitchen (food preparation and clean-up), bathroom, bedrooms, entrance-ways, halls, and yard (if applicable);
 - Cleanliness in each room; and
 - General care of appliances, fixtures, windows, doors and cabinets.Other PHA lease compliance criteria will also be checked, such as:
 - Evidence of destruction of property;
 - Unauthorized occupants;
 - Evidence of criminal activity; and
 - Conditions inconsistent with applicant information.All applicants shall have at least two days' advance written notice of Home Visits.
- (j) All applicants must attend and complete PHA's Pre-Occupancy Orientation.

- (k) The PHA's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of the applicant's adult family members':
- Past performance in meeting financial obligations, especially rent.
 - Record of disturbance of neighbors (sufficient to warrant a police call) destruction of property, or living or housekeeping habits that may adversely affect the health, safety, or welfare of other tenants or neighbors.
 - History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property or other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development.
 - The PHA may, if a statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, choose to continue that prohibition for a longer period of time.
 - A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
 - An applicant's ability and willingness to comply with the terms of PHA's lease.
- (l) The PHA is **required** to reject the applications of certain applicants for criminal activity or drug abuse by household members:
- The PHA shall reject the application of any applicant for seven years from the date of eviction if any household member has been evicted from any federally assisted housing for drug-related criminal activity. However, the PHA may admit the household if the PHA determines that:
 - The evicted household member who engage in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA, or
 - The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
 - The PHA is required to reject the application of a household if the PHA determines that:
 - Any household member is currently engaging in illegal use of a drug; or
 - The PHA has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety or right to

peaceful enjoyment of the premises by other residents;
or

- Any member of the household is subject to a lifetime registration requirement under a State sex offender registration program; or
- Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

- (m) An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.
- (n) Applicants must be able to demonstrate the ability and willingness to comply with the terms of PHA's lease, either alone or with assistance that they can demonstrate they will have at the time of admission. Availability of assistance is subject to verification by the PHA.
- (o) If the applicant is a former resident of public housing and is deficient in any of the required community service hours during their previous public housing residency, that applicant, if they meet all other eligibility requirements, may be placed on the waiting list for a unit in public housing. However, the applicant may not be housed until such time as applicant can document completion of deficient community service hours.

3. Screening applicants who claim mitigating circumstances

- (a) If negative information is received about an applicant, the PHA will consider 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 considered, mitigating circumstance must be verifiable.
- (b) Mitigating circumstances are facts relating to the applicant's negative rental history or behavior, that, when verified, indicate: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, **AND** applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.
- (c) If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, the PHA shall refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. The PHA shall also have the right to request further information to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating

circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

- (d) Examples of mitigating circumstances might include:
 - (i) Evidence of successful rehabilitation;
 - (ii) Evidence of the applicant family's participation in social service or other appropriate counseling service; or
 - (iii) Evidence of successful and sustained modification of previous disqualifying behavior.
- (e) Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. The PHA will consider such circumstances in light of:
 - (i) the applicant's ability to verify the mitigating circumstances and prospects for improved future behavior;
 - (ii) the applicant's overall performance with respect to all the screening requirements; and
 - (iii) the nature and seriousness of any criminal activity, especially drug related criminal activity that appears in the applicant's record.

4. Qualified and Unqualified Applicants

- (a) Verified information will be analyzed and a determination made with respect to:
 - (i) Eligibility of the applicant as a family;
 - (ii) Eligibility of the applicant with respect to income limits for admission;
 - (iii) Eligibility of the applicant with respect to citizenship or eligible immigration status;
 - (iv) Unit size required for and selected by the family;
 - (v) Preference category (if any) to which the family is entitled; and
 - (vi) Qualification of the applicant with respect to the Selection Criteria.
- (b) Qualified families will be notified by the PHA of the approximate date of admission insofar as that date can be determined, however the date stated by the PHA is an estimate and does not guarantee that applicants can expect to be housed by that date.
- (c) Unqualified applicants will be promptly notified by a Notice of Rejection from the PHA, stating the basis for such determination and offering an opportunity for informal hearing. Informal hearings for applicants are different from the resident grievance process. Applicants are not entitled to use of the resident grievance process.
- (d) Applicants known to have a disability that are eligible but fail to meet the Selection Criteria, will be offered an opportunity for a second meeting to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the Screening Procedures.

G. Occupancy Guidelines

1. Units shall be occupied by families of the appropriate size. This policy maintains the usefulness of the units, while preserving them from excessive wear and tear and under-utilization.

Minimum and Maximum-Number-of-Persons-Per Unit Standard

<u>Number of Bedrooms</u>	<u>Min Persons/Unit (Largest Unit Size)</u>	<u>Max Persons/Unit (Smallest Unit Size)</u>
0 BR	1	1
1 BR	1	2
2 BR	2	4
3 BR	3	6
4 BR	4	8
5 BR	5	10

The following principals govern the size of unit for which a family will qualify. Generally, two people are expected to share each bedroom, except that units will be so assigned that:

- (a) It will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom, although they may do so at the request of the family.
 - (b) Exceptions to the largest permissible unit size may be made in case of reasonable accommodations for a person with disabilities.
 - (c) Two children of the opposite sex will not be required to share a bedroom, although they may do so at the request of the family.
 - (d) An unborn child will not be counted as a person in determining unit size. A single pregnant woman may be assigned to a one-bedroom unit. In determining unit size,
 - (e) The PHA will count a child who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school.
 - (f) A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family.
 - (g) A live-in attendant may be assigned a bedroom. Single elderly or disabled residents with live-in attendants will be assigned one or two bedroom units.
 - (h) Efficiency apartments will be occupied by single individuals applying to Mixed Population buildings who wish to live in 1 Bedroom units.
2. The Local Housing Code of two persons per bedroom will be the standard for the smallest unit a family may be offered. Individual housing units with very small or very large bedrooms or other specific situations that inhibit or encourage lower or higher levels of occupancy may be permitted to establish lower or higher occupancy levels so long as the occupancy levels will not discriminate on the basis of familial status.
 3. The largest unit size that a family may be offered would provide no more than one bedroom per family member, taking into account family size and composition.

4. When a family applies for housing and when the waiting list is updated, some families will qualify for more than one unit size. These applicants will choose the waiting sublist where they wish to receive a unit offer. Based on the family's choice, they will be placed on the appropriate waiting list sublist by unit size.
5. If a family opts for a smaller unit than would normally be assigned under the largest unit size standard (because, for example, the list is moving faster), the family will be required to sign a statement agreeing to occupy the unit assigned at their request until their family size or circumstances change.
6. When a family is actually offered a unit, if they no longer qualify for the unit size where they were sublisted, they will be moved to the appropriate sublist, retaining their preferences and date and time of application. This may mean that they may have to wait longer for a unit offer.
7. The PHA shall change the family's sublist at any time while the family is on the waiting list at the family's request.

III. Tenant Selection and Assignment Plan

A. Organizing the Waiting List

1. Community-wide Waiting List

It is the PHA's policy that each applicant shall be assigned his/her appropriate place on a single community-wide waiting list in sequence based upon:

- Type and size of unit needed and selected by the family (e.g., general occupancy building, accessible or non-accessible unit, number of bedrooms);
- Applicant preference or priority, if any; and
- Date and time the application is received.

The PHA will maintain its waiting list in the form that records the type and size of unit needed, each applicant's priority/preference status, the date and time of application, and the race and ethnicity of the family head.

B. Making Unit Offers to Applicants

1. To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability or familial status is PLAN "A" will be used to make unit offers.

- The first qualified applicant in sequence on the waiting list is made one offer of a unit of appropriate size and type.
- The applicant must accept the vacancy offered or be dropped to the bottom of the waiting list.
- If an applicant has received three (3) vacancy offers and has not accepted any, they will be dropped from the waiting list.
- Applicants who are removed from the waiting list because they refuse unit offers without good cause may not reapply for housing for ninety (90) days.

2. The PHA will match the unit available to the highest ranking applicant for a unit of that type and special features (if any), taking into account any designated housing (if applicable). Preferences will then be used to determine the order of selection from the waiting list. If two applicants need the same type and size of unit and have the same preference status, the applicant with the earlier date and time of application or lower application number will receive the earliest offer.
3. In the selection of a family for a unit with accessible features, the PHA will give preference to families that include a person with disabilities who can benefit from the unit features.
4. Local and ranking preferences will be a factor in most admissions, although there may be instances (e.g. a unit with accessible features is ready and no applicant in the targeted preference group needs the features) when the PHA will make an offer to an applicant who does not qualify for a ranking preference. Certain types of transfers will also be processed with new admissions. See Section F. for the ratio of transfers to new admissions.
5. The applicant must accept the vacancy offered within five (5) working days of the date the office is communicated (by phone, mail, or the method of communication designated by an applicant with disabilities) or be removed from the waiting list. All offers made over the phone will be confirmed by letter.
6. If more than one unit of the appropriate size and type is available, the first unit to be offered will be the unit that is or will be ready for move-in first. "Ready for move-in" means the unit has no Housing Quality Standards deficiencies and is broom clean. If two units are ready for move-in on the same day, the first unit to be offered will be the unit that became vacant first.

C. Removing Applicant Names from the Waiting List

To ensure vacant units are filled in a timely manner, the PHA needs a waiting list that is accurate. While each applicant must keep the PHA apprised of changes in address, phone number, income or other circumstances, no applicant shall be removed from the waiting list except when one of the following situations occurs:

1. The applicant receives and accepts an offer of housing;
2. The applicant requests that his/her name be removed from the waiting list;
3. The applicant is rejected, either because he/she is ineligible for public housing at the time of certification, or because he/she fails to meet the applicant selection criteria; or
4. The application is withdrawn because the PHA attempted to contact the applicant and was unable to do so. In attempting to contact an applicant, the following methods shall be undertaken before an application may be withdrawn:
 - The applicant will be sent a letter by first class mail to the applicant's last known address, asking the applicant to contact the PHA;
 - When five working days have elapsed from the date when the PHA mails the letter, and there is no response from the applicant, the applicant will be sent notification of being dropped from the waiting list.
 - If an applicant contact the PHA as required within any of the deadlines stated above, he/she shall be reinstated at the former waiting list position;

- When the PHA is unable to contact an applicant by first class mail to schedule a meeting, or interview or to make an offer, the PHA shall suspend processing of that application until the applicant is either withdrawn (no contact by the applicant) or reinstated (contact by the applicant within the stated deadlines). While an application is suspended, applicants next in sequence will be processed.
5. Persons who fail to respond to the PHA attempts to contact them because of verified situations related to a disability shall be entitled to reasonable accommodation. In such circumstances the PHA shall reinstate these individuals to their former waiting list positions.
6. Families whose applications are withdrawn or rejected must reapply for housing when the waiting list is open. Families whose applications were withdrawn may not reapply for ninety (90) days.

D. Good Cause for Applicant Refusal of Unit Offer

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

1. Examples of “good cause” for refusal of an offer of housing are:

- The unit is not ready for move-in at the time of the offer of housing. “Ready for move-in” means the unit has no Housing Quality Standard deficiencies and is broom clean. If an applicant refuses a unit because it is not ready for move-in, the applicant will be offered the next unit that **is** ready for move-in;
- Inaccessibility to source of employment, education, or job training, children’s day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities;
- The family demonstrates that accepting the offer will place a family member’s life, health or safety in jeopardy. The family must provide specific and compelling documentation such as restraining orders, other court orders, or risk assessments from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;
- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member;
- The unit is inappropriate for the applicant’s disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30 day notice to move; or

- An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing.
2. If good cause is verified, the refusal of the offer shall not require that the applicant be dropped to the bottom of the waiting list or otherwise affect the family's position on the waiting list.
 3. The PHA will maintain a record of units offered, including location, date, and circumstance of each offer, and each acceptance or refusal, including the reason for the refusal.

E. Leasing Accessible Units

1. Before offering a vacant accessible unit to a non-disabled applicant, the PHA will offer such units:
 - First, to a current public housing resident having a disability that requires the special features of the vacant unit.
 - Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.
2. When offering an accessible/adaptable unit to a non-disabled applicant, the PHA will require the applicant to agree to move to an available non-accessible unit when a current resident or an applicant with a disability needs the unit. This requirement is also reflected in the lease signed with the applicant.

F. Administering the Applicant and Transfer Waiting Lists

Applications for admission and transfer will be processed centrally. Initial intake, waiting list management, screening, and assigning of housing (including transfers) will be made from the central office. Offers may be made in person, in writing or by phone from the central office.

G. Transfers

The PHA has five possible types of transfers: Emergency, Administrative – Category 1, Category 2 and Category 3, and Incentive transfers. The definition of each transfer is found in the Transfer Section V.

1. Emergency and Category 1 and 2 administrative transfers and Incentive transfers will take priority over admissions. Category 3 administrative transfers will be processed at the rate of four admissions to each transfer. The specific definition of each type of transfer are covered in Section V, Transfers, below.
2. Tenants on the transfer list may refuse transfer offers for the "good cause" reasons cited in Section C above without losing their position on the transfer list.
3. Tenants who refuse a transfer offer without good cause may be removed from the transfer list and tenants whose transfers are mandatory are subject to lease termination.
4. Tenants may use the PHA Grievance Procedure if they are refused the right to transfer or if the PHA is requiring them to transfer and they do not want to do so.

IV. Leasing Policies

A. General Leasing Policy

1. All units must be occupied pursuant to a lease that complies with HUD's regulations.
2. The lease shall be signed by the head, spouse, and all other adult members of the household and by the Executive Director or other authorized representative of the PHA, prior to actual admission.
3. If a resident transfers from one PHA unit to another, a new lease will be executed for the dwelling into which the family moves.
4. 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:
 - (a) A new lease agreement will be executed, or
 - (b) A Notice of Rent Adjustment will be executed, or
 - (c) An appropriate rider will be prepared and made a part of the existing lease.

All copies of such riders or insertions are to be dated and signed by the Resident and by the Executive Director or other authorized representative of the PHA.

5. Residents must advise the PHA if they will be absent from the unit for more than 7 days. Residents shall notify the Occupancy Specialist, secure the unit and provide a means for the PHA to contact the resident in an emergency. Failure to advise the PHA of an extended absence is grounds for termination of the lease.

B. Showing Units Prior to Leasing

1. When offering units, the PHA will provide the applicant with a brief property description and other information to help orient the applicant to the neighborhood and location of the property. If the offer of a unit is preliminarily accepted by the applicant, the occupancy specialist will contact the applicant to set up a date to show the unit.
2. Once the unit is shown and the applicant accepts the unit, the occupancy specialist will execute a lease. If the applicant refuses the unit, a signed reason for refusal should be obtained from the applicant. The occupancy specialist who will make a "good cause" determination will retain the form.
3. No lease will have an effective date before the unit is ready for occupancy.

C. Additions to the Household and Visitors

1. Only those persons listed on the most recent certification form and lease shall be permitted to occupy a dwelling unit.
 - Except for natural births to or adoptions by family members, or court awarded custody, any family seeking to add a new member must request approval in writing before the new member moves in.
 - Also included, would be situations in which a person (often a relative) comes to the unit as a visitor but stayed on in the unit because the tenant needed support, for example, after a medical procedure.
 - All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence.

2. When a resident requests approval to add a new person to the lease, the PHA will conduct pre-admission screening of any proposed new adult member to determine whether the PHA will grant such approval.

Children under the age below which Juvenile Justice records are made available, or added through a formal custody award or kinship care arrangement are exempt from the pre-admission screening process, although the resident still needs prior permission from the PHA to add children other than those born to, adopted by or awarded by the court to the family.

3. Examples of situations where the addition of a family or household **member is subject to screening** are:

- Resident plans to be married and requests to add the new spouse to the lease;
- Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren) over the age for which juvenile justice records are available;
- A unit is occupied by a remaining family member(s) under age 18 (who is 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.

4. Residents who fail to notify the PHA of additions to the household or who permit persons to join the household without undergoing screening are violating the lease. Persons added without PHA approval will be considered unauthorized occupants and the entire household will be subject to eviction.

5. Visitors may be permitted in a dwelling unit so long as they have no previous history of behavior on PHA premises that would be a lease violation.

- Visits of less than three days need not be reported to or approved by the occupancy specialist.
- Visits of more than three and less than fourteen days are permitted, provided they are reported to the occupancy specialist within 72 hours and authorized by the occupancy specialist.
- Visits of more than fourteen (14) calendar days shall be authorized only by the Executive Director with advance documentation of extenuating circumstances.
- Visitors remaining beyond this period shall be considered unauthorized occupants and the head of the household shall be guilty of a breach of the lease.

6. Roomers and lodgers shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease.

7. Residents will not be given permission to allow a former resident of the PHA who has been evicted to occupy the unit for any period of time. Violation of this requirement is ground for termination of the lease.

8. Family members over age 17 or emancipated minors who move from the dwelling unit to establish new households shall be removed from the lease.

- The resident shall report the move-out within 30 calendar days of its occurrence.
- These individuals may not be readmitted to the unit and must apply as a new applicant household for placement on the waiting list.
- Medical hardship, or other extenuating circumstances shall be considered by the PHA in making determinations under this paragraph.

V. Transfer Policy

A. General Transfer Policy

1. Transfers will be made without regard to race, color, national origin, sex, religion, or familial status. Residents can be transferred to accommodate a disability.
2. Residents will not be transferred to a dwelling unit of equal size except to alleviate hardship of the resident or other undesirable conditions as determined by the Executive Director or designee.
3. Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfers.

B. Types of Transfers

1. The order in which families are transferred shall be subject to the hierarchy by category set forth below.
 - (a) Emergency Transfers are **mandatory** when the PHA determines that conditions pose an immediate threat to resident life, health or safety. Emergency transfers may be made to: permit repair of unit defects hazardous to life, health, or safety; alleviate verified disability problems of a life threatening nature; or protect members of the household from attack by the criminal element in a particular property or neighborhood. **These transfers shall take priority over new admissions.**
 - (b) Category 1 Administrative transfers include **mandatory** transfers to: remove residents who are witnesses to crimes and may face reprisals; provide housing options to residents who are victims of hate crimes or extreme harassment; alleviate verified medical problems of a serious (but not life-threatening) nature; permit modernization or demolition of units; or permit a family that requires a unit with accessible features to occupy such a unit. **These transfers shall take priority over new admissions.** Request for these transfers will be made to the occupancy specialist with necessary documentation to substantiate the need for such a transfer. These transfers will be initiated by the PHA (e.g. moving a person with mobility problems to a unit with accessible features).
 - (c) Category 2 Administrative transfers correct serious occupancy standards problems.

These transfers shall take priority over new admissions.

Category 2 transfers will only be made if the family size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age 4 would equal more than two persons per bedroom. **These transfers are mandatory.**

If a family's size is between the smallest and largest size permissible for the unit, the family may request a transfer, but it shall be considered a Category 3 transfer.

- (d) Category 3 Administrative transfers may be made to: avoid concentration of the most economically and socially deprived families, correct occupancy standards, or address situations that interfere with peaceful enjoyment of the premises.

These transfers will not take priority over new admissions. They will be processed at the rate of one transfer to four admissions.

- (e) Incentive Transfers: As described in detail below, Incentive Transfers are offered to new or recently modernized units, on a nondiscriminatory basis to residents with good rental histories.

2. Whenever feasible, transfers will be made within a resident's area.

C. Processing Transfers

1. A centralized transfer waiting list will be administered by the occupancy specialist.
2. Transfers will be sorted into their appropriate categories by the occupancy specialist. Admissions will be made in the following order:

- First: Emergency transfers, then
- Category 1 Administrative Transfers,
- Category 2 Administrative Transfers,
- Incentive Transfers,
- Applicants, and at a rate of four applicants to every transfer.
- Category 3 Administrative Transfers.

Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received by the occupancy specialist.

3. Category 2 transfers to correct occupancy standards may be recommended at time of reexamination or interim redetermination.

4. Residents in a Category 2 over/under housed status will be advised in their 30 day "Notice of Result of Reexamination" that a transfer is recommended and that the family has been placed on the transfer list.

5. When a head of a household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a Category 2 transfer until the child is two (2) years of age. Exceptions: spouse or partner returns to the unit, marriage takes place, or family decides to remain in the unit and unit is large enough (using the smallest-unit standard) to accommodate the number of persons now in the household.

6. Split-family transfers will be processed as Category 2 administrative transfers.

- Families that split into 2 "new" households may be transferred to two different units or

- A portion of the “old” household may be transferred to a single unit depending on family circumstances and unit availability.
- Such transfers will be made in a manner that minimizes the impact on vacant units.

D. Good Record Requirement for Transfers

1. In general, and in all cases of all resident-requested transfers, residents will be considered for transfers only if the head of household and other family members for the past two years:

- Have not engaged in criminal activity that threatens the health and safety of residents and staff;
- Do not owe back rent or other charges, or evidence a pattern of late payment; and
- Meet reasonable housekeeping standards and have no housekeeping lease violations.

2. Exceptions to the good record requirements may be made for emergency transfers or when it is to the PHA’s advantage to make the transfer. The exception to the good record requirement will be made by the Executive Director taking into account the recommendation of the occupancy specialist.

Absent a determination of exception, the following policy applies to transfer:

- If back rent is owed, the resident will not be transferred until back rent and charges are paid in full.
- A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection.

E. Incentive Transfers

1. Incentive transfers are offered to residents who have good rental histories and want to move to units other than those they currently occupy on a non-discriminatory basis.

- (a) Incentive Transfers – the PHA may occupy recently modernized and scattered site units through incentive transfers. Modernized units will be filled with incentive transfers, new applicants, or a combination of both in a manner that has the least impact on vacant units.
- (b) Resident requests for incentive transfers should be made to the occupancy specialist. The occupancy specialist may also recommend a resident for an incentive transfer. To be considered for an incentive transfer, the following conditions must be met:

8. Residency in a PHA development for at least three years.
 - (ii) No more than two unpaid balances at any time in the past two (2) years.
 - (iii) No history of disturbances that resulted in lease violations or violence toward staff or neighbors as indicated by notice of lease violation in the applicant’s file.
 - (iv) Good housekeeping record.

2. Incentive transfers are Category 2 administrative transfers.

3. No exceptions will be granted to the good record requirement for incentive transfers.
4. The occupancy specialist's failure to process or recommend an Incentive Transfer is subject to the Grievance Procedure.

VI. Eligibility for Continued Occupancy, Annual Reexaminations, And Remaining Family Members

A. Eligibility for Continued Occupancy

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

1. Qualify as a family as defined in Section XII of this policy.
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 meet HUD standards on citizenship or immigration status or are paying a pro-rated rent.
5. Who are in compliance with the PHA's 8 hour per month community service requirements.

B. Remaining Family Members and Prior Debt

1. Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head or spouse. The PHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age 18.
2. Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

C. Reexaminations

1. Regular reexaminations: The PHA shall, at least once a year, re-examine the family composition and incomes of all resident families, except that families paying Flat Rent shall have their incomes reexamined only every three years but are required to participate in an annual reexamination.
2. Special reexaminations: When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and a special reexamination will be scheduled every 60 days until a reasonably accurate estimate of income can be made.
3. Special reexamination shall 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.
4. New Reexamination Date Following Income Disallowance: When a family qualifies for an earned income disallowance, the date for their next regular reexamination shall be

permanently adjusted to be 12 months following the date that the income disallowance began.

5. Zero Income Families: Unless the family has income that is excluded for rent computation, families reporting zero income will have their circumstances examined every 60 days until they have a stable income. Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income.

6. Reexamination Procedures

- (a) At the time of reexamination, all adult members of the household will be required to sign an application for continued occupancy and other forms required by HUD.
- (b) Income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified, and all verified findings will be filed in the resident's folder.
- (c) Verified information will be analyzed and a determination made with respect to:
 - (i) Eligibility of the resident as a family or as the remaining member of a family;
 - (ii) Unit size required for the family (using the Occupancy Guidelines); and
 - (iii) Rent the family should pay.
- (d) Residents with a history of employment whose reexamination occurs when they are not employed will have income anticipated based on past and anticipated employment. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates.
- (e) Income shall be computed in accordance with definitions and procedures set forth in Federal regulations and this policy.
- (f) Families failing to respond to the initial reexamination appointment will be issued a final appointment within the same month. Failure to respond to the final request will result in the family being sent a notice of lease violation and referred to the Executive Director or their assignee for termination of the lease.

7. Action Following Reexamination

- (a) If there is any change in rent, the lease will be amended, a new lease will be executed, or a Notice of Rent Adjustment will be issued.
- (b) If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described above in this policy and moved to an appropriate unit when one become available.

VII. Interim Rent Adjustments: Fixed Rent System

A. Adjusting Rent Between Regular Reexaminations

1. Residents are required to report **all changes in family composition or status** to the occupancy specialist within 10 calendar days of the occurrence. Failure to report within the 10 calendar days may result in a retroactive rent increase, but not a

retroactive credit or rent reduction. In order to qualify for rent reductions, residents must report income decreases promptly. **Residents are also required to report interim increase in income if they have been granted interim rent reductions.**

2. The PHA wishes to encourage families to improve their economic circumstances, so most changes in family income between reexaminations will not result in a rent change. The PHA will process interim changes in rent in accordance with the chart below:

<u>INCOME CHANGE</u>	<u>PHA ACTION</u>
(a) Decrease income for any reason, <u>except</u> for decrease that last less than 30 days. Increase in income following PHA granting of interim rent decrease.	<ul style="list-style-type: none"> • PHA will process an interim reduction in rent if the income decrease will last more than 30 days. PHA will process an interim increase for income increases that follow interim rent reductions.
(b) Increase in earned income from the employment of a current household member.	<ul style="list-style-type: none"> • PHA will either process the increase to be effective the first of the second month following employment, or if the individual is eligible for an earned income disallowance, will grant the disallowance.
(c) Increase in unearned income (e.g. COLA adjustment for social security).	<ul style="list-style-type: none"> • PHA will defer the increase to the next regular reexamination.
(d) Increase in income because a person with income (from any source) joins the household.	<ul style="list-style-type: none"> • PHA will process the increase to be effective the first of the second month following addition to household.

(e) The PHA will process an interim increase in rent if the resident has misrepresented or failed to report facts upon which rent is based, so the rent the Resident is paying is less than it should have been. The PHA will apply any increase in rent retroactive to the month following the month in which the misrepresentation occurred.

3. Complete verification of the circumstances applicable to rent adjustments must be documented and approved by the Executive Director or his/her designee.

4. The PHA will process interim adjustments in rent as follows:

- (a) When a decrease in income is reported, and the Authority receives confirmation that the decrease will last less than 30 days, an interim adjustment will not be processed.
- (b) Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed.

5. Residents granted a reduction in rent under these provisions will be required to report for special reexaminations at intervals determined by the occupancy specialist. Reporting is required until income increases or it is time for the next regularly scheduled reexamination, whichever occurs first.

B. Effective Date of Adjustments

Residents will be notified in writing of any rent adjustment including the effective date of the adjustment.

1. Rent decreases go into effect the first of the month following the reported change. Income decreases reported or verified after the tenant accounting cut-off date will be effective the first of the second month with a credit retroactive to the first month.
2. Rent increases (except those due to misrepresentation) require 30 days notice and become effective the first of the second month.

VIII. Lease Termination Procedures

A. General Policy: Lease Termination

No resident's lease shall be terminated except in compliance with HUD regulations and the lease terms.

B. Notice Requirements

1. No resident shall be given a Notice of Lease Termination without being told by the PHA in writing the reason for the termination.
 - The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply in accordance with the Grievance Procedure.
 - Lease terminations for certain actions are not eligible for the Grievance Procedure, specifically: any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or PHA employees; and any drug-related criminal activity.
2. Notices of lease termination may be served personally, placed in tenant porch mailbox, or mailed first class mail.
3. Notice shall include a statement describing right of any resident with a disability to meet with the occupancy specialist and determine whether a reasonable accommodation could eliminate the need for the lease termination.

C. Recordkeeping Requirements

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

- Name of resident, race and ethnicity, number and identification of unit occupied;

- Date of the Notice of Lease Termination and any other state or local notices required, which may be on the same form and run concurrently;
- Specific reason(s) for the Notice(s), with section of the lease violated, and other facts pertinent to the issuing of the Notice(s) described in detail;
- Date and method of notifying resident; and
- Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

IX. Utilities

A. Excess Utility Charges

1. Checked-metered developments or buildings: In buildings that are check metered, residents shall have consumption-based utility allowances that reflect the size and type of units and actual equipment provided by the PHA. Check meters shall be read by the PHA and each tenant charged for consumption in excess of the utility allowance.
2. Residents with disabilities may be entitled to higher than normal utility allowances or may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability.

X. Flat Rents

A. Intent and Purpose

Flat rents are market-based rents. They vary by unit size and type. Once each year, at the annual recertification, all residents are offered the choice of paying an income-based rent or the Flat rent. Flat rents represent the actual market value of the PHA's housing units. The PHA will take the following information into account in developing its Flat rent Schedule:

- Rents of non-assisted rental units in the immediate neighborhood;
- Size of PHA's units compared to non-assisted rental units from the neighborhood;
- Age, type of unit and condition of PHA's units compared to non-assisted rental units from the neighborhood;
- Land use in the surrounding neighborhood;
- Amenities (childcare, laundry facilities, playgrounds, community rooms, social services, education/job training programs, etc.) at the PHA's properties and in the surrounding neighborhood;
- Crime in PHA's developments and the surrounding neighborhood;
- Quality of local schools serving each PHA development;
- Availability of public transportation at each PHA development; and
- Availability of accessible units for persons with mobility impairments.

B. Annual Update of Flat Rents

The PHA shall review the Flat Rent structure annually and adjust the rents as needed. When a resident chooses Flat rent, his/her rent shall be adjusted only at the next regular reexamination/recertification rather than at the point the Flat rent may change.

C. Recertification of Families on Flat Rents

Families paying flat rents are required to recertify income only every three years, rather than annually, although they are still required to participate in an Annual Reexamination in order to ensure that unit size is still appropriate and Community Service requirements (if applicable) are met.

XI. Definitions and Procedures to be used in Determining Income and Rent

A. Annual Income

Annual Income means all amounts, monetary or not, which go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member. Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member, 18 and older, including all net income from assets for the 12 month period following the effective date of initial determination or reexamination of income, or past actual income received or earned within the last 12 months of the determination, as HUD may prescribe in applicable administrative instructions when the family reports little or no income; and the processing entity is unable to determine annual income due to fluctuations in income (e.g., seasonal or cyclical income); which are not specifically excluded from income by other federal statute. Annual income includes but is not limited to:

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in

determining net income. An allowance for the straight line depreciation of real or personal property is permitted. Any withdrawals 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. If the family has Net Family Assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate as determined by HUD;

4. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in below) [See B. 14. below for treatment of delayed or deferred periodic payment of social security or supplemental security income benefits.];

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (But see paragraph B. 3. below concerning treatment of lump-sum additions of Family assets.);

6. All welfare assistance payments made under the Temporary Assistance to Needy Families (TANF) program are included in annual income only to the extent such payments:

A) Qualify as assistance under the TANF program definition at 45 CFR 260.31; and

B) Are not otherwise excluded.

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

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

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

7. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from organizations or persons not residing in the dwelling made to or on behalf of family members; and

8. All regular pay, special pay, and allowance of a family member in the Armed Forces. (See paragraph B. 7. below concerning pay for exposure to hostile fire.).

B. Items not included in Annual Income

Annual income does not include the following:

1. Income from the employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation), capital gains, one-time lottery winnings, and settlement for personal property losses (but see paragraphs 4 and 5 above if the payments are or will be periodic in nature);

[See paragraph 14. below for treatment of delayed or deferred periodic payments of Social Security or Supplemental Security Income benefits.]

4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide, provided the person meets the definition of a live-in aide (see Section 12 of these policies);
6. The full amount of student financial assistance paid directly to the student or the educational institution;
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. Certain amounts received that are related to participation in the following programs:
 - (a) Amounts received under HUD funded training programs (e.g. Step-up program: excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training);
 - (b) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - (c) Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
 - (d) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in public housing. No resident may receive more than one such stipend during the same period of time; and
 - (e) Incremental earnings and/or benefits resulting to any family member from participation in qualifying state or local employment training program (including training programs not affiliated with the local government), and

training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;;

9. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

10. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse);

11. Adoption assistance payments in excess of \$480 per adopted child;

12. The incremental earnings and benefits to any resident 1) whose annual income increases due to employment of a family member who was unemployed for one or more years previous to employment; or 2) whose annual income increases as the result of increased earnings by a family member during participation in any economic self sufficiency or other job training program; or 3) whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance, benefits or services, **will not be increased during the exclusion period**. For purposes of this paragraph, the following definitions apply:

- (a) State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering Temporary Assistance for Needy Families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance – provided that the total amount over a six-month period is at least \$500.
- (b) During the 12 month period beginning when the member first qualifies for a disallowance, the PHA must exclude from Annual Income any increase in income as a result of employment. For the 12 months following the exclusion period, 50% of the income increase shall be excluded.
- (c) Regardless of how long it takes a resident to work for 12 months (to qualify for the first exclusion) or the second 12 months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 48 months.
- (d) The disallowance of increase income under this section is only applicable to current residents and will not apply to applicants who have begun work prior to admission (unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed.)

13. Deferred periodic payments of supplemental security income and social security benefits that are received as lump sum payment;

14. 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;

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

16. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.)

The following is a list of benefits excluded by other Federal Statute:

- The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [**7 USC 2017 (h)**];
- Payments to volunteers under the Domestic Volunteer Service Act of 1973 [**42 USC 5044 (g), 5088**];
Examples of programs under this Act include but are not limited to:
 - The Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
 - National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;
 - Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).
- Payments received under the Alaska Native Claims Settlement Act [**43 USC 1626 (a)**];
- Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes [**25 USC 459 (e)**];
- Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program [**42 USC 8624 (f)**];
- Payments received under programs funded in whole or in part under the Job Training Partnership Act [**29 USC 1552 (b)**];
- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians [**Pub. L. 94-540, 90 State 2503-04**];
- The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (**25 USC 1407-08**), or from funds held in trust for an Indian Tribe by the Secretary of Interior [**25 USC 117b, 1407**]; and

- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [**20 USC 1087 uu**].
- Examples of Title IV programs include but are not limited to: Basic Education Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.
- Payments received from programs funded under Title V of the Older Americans Act of 1965 [**42 USC 3056 (f)**]:
- Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
- Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation;
- Payments received under the Maine Indian Claims Settlement Act of 1980 [**Pub. L. 96-420, 94 State. 1785**];
- The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 [**42 USC 9858 (q)**]
- Earned income tax credit refund payments received on or after January 1, 1991 [**26 USC 32(j)**];
- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
- Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990.

C. Anticipating Annual Income

If the processing entity is unable to determine annual income using current information because the family reports little to no income or because income fluctuates, the processing entity may average past actual income received or earned within the last 12 months before the determination date to calculate annual income. The processing entity may also request the family to provide documentation of current income. If the family can provide acceptable documentation dated within the 60 –day period preceding the determination date or the 60 day period following the request date, the processing entity may use this documentation to determine annual income.

D. Adjusted Income

Adjusted Income (the income upon which rent is based) means Annual Income (as determined by the responsibility entity) of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions and exemptions:

For All Families

1. **Child Care Expenses** – A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed, BUT ONLY when such care is necessary to enable a family to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (a) the amount of income earned by the family member released to work; or (b) an amount determined to be reasonable by the PHA when the expense is incurred to permit education or to seek employment.

2. **Dependent deduction** - An exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, Live-in Aide, foster adult or foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, or a full-time student.

3. **Work-related Disability Expenses** – A deduction for unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually impaired, and equipment added to cars and vans to permit their use by the disabled family member. Also included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities.

- (a) For non-elderly families and elderly or disabled families without medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.
- (b) For elderly or disabled families with medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three percent of Annual Income (provided the amount so calculated does not exceed the employment income earned) PLUS medical expenses as defined below.

For elderly and disabled families only:

4. **Medical Expense Deduction** – A deduction of unreimbursed Medical Expenses, including insurance premiums, anticipated for the period for which Annual Income is computed.

Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, health insurance premiums (including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by the PHA for the purpose of determining a deduction from income, the expenses claimed must be verifiable.

- (a) For elderly or disabled families without work-related disability expenses: The amount of the deduction shall equal total medical expenses less three percent of annual income.
- (b) For elderly or disabled families with both work-related disability expenses and medical expenses: the amount of the deduction is calculated as described in paragraph 3(b) above.

5. Elderly/Disabled Household Exemption – An exemption of \$400 per household. See definitions in Appendix II.

6. Optional Deductions/Exemptions – The PHA may amend this policy and grant further deductions. Any such deduction would be noted here.

E. Computing Rent

1. The first step in computing rent is to determine each family's Total Tenant Payment.

2. **Total Tenant Payment is the highest of:**

- **30% of adjusted monthly income;** or
- **10% of monthly income;** but never less than the
- **Minimum Rent;** and never more than the
- **Flat Rent, if chosen by the family**

3. Tenant rent equals Total Tenant Payment.

4. The Minimum Rent shall be \$50 per month, but a hardship exemption shall be granted to residents who can document that they are unable to pay the \$50 because of a long-term hardship (over 90 days). Examples under which residents would qualify for the hardship exemption to the minimum rent would be limited to the following:

- The family has lost eligibility for or is applying for an eligibility determination for a Federal, State or local assistance program;
- The family would be evicted as a result of the imposition of the minimum rent requirements;
- The income of the family has decreased because of changed circumstances, including loss of employment;
- A death in the family has occurred; or
- Other circumstances as determined by the PHA.

The minimum rent hardship exemption is retroactive to October 21, 1998, so if any resident who qualified for the hardship exemption was charged a minimum rent since that time, the resident may be entitled to a retroactive credit.

5. At initial certification and at each subsequent annual reexamination, the resident shall be offered a choice of paying either the income-based rent or the Flat Rent applicable to the unit they will be occupying.

XII. Definitions of Terms

1. Accessible dwelling units – when used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical disabilities. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 and 40 [the Uniform Federal Accessibility Standards] is “accessible” within the meaning of this paragraph. When an individual dwelling unit in an existing facility is being modified for use by a specific individual, the unit will not be deemed accessible, even though it meets the standards that address the impairment of that individual, unless it also meets the UFAS standards.
2. Accessible Facility – means all or any portion of a facility *other than an individual dwelling unit* used by individuals with physical disabilities. [24 CFR 8.21]
3. Accessible Route – For persons with a mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility. [24 CFR 8.3 and 40.3.5]
4. Adaptability – Ability to change certain elements in a dwelling unit to accommodate the needs of disabled and non-disabled person; or ability to meet the needs of persons with different types and degrees of disability. [24 CFR 8.3 and 40.3.5]
5. Adult – Any Person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State or tribal law.
6. Alteration – any change in a facility or its permanent fixtures or equipment. It does not include: normal maintenance or repairs, reroofing, interior decoration or changes to mechanical systems. [24 CFR 8.3 and 8.23(b)]
7. Applicant – a person or a family that has applied for admission to housing.

8. Area of Operation – The jurisdiction of the PHA as described in applicable State law and the PHA’s Articles of Incorporation.
9. Assets – Assets mean “cash (including checking accounts), stocks, bonds, savings, equity in real property, or the cash value of life insurance policies. Assets do not include the value of personal property such as furniture, automobiles and household effects or the value of business assets.” IMPORTANT: See the definition of Net Family Assets, for assets used to compute annual income. (See 24 CFR 5.603 for definition of Net Family Assets)
10. Auxiliary Aids – means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits or programs or activities. [24 CFR 8.3]
11. Care Attendant – a person that regularly visits the unit of a PHA resident to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence (and if requested by PHA must demonstrate separate residence) and do not live in the public housing unit. Care attendants have no rights or tenancy.
12. Child Care Expenses – Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.
13. Co-head of Household – a household where two persons are held responsible and accountable for the family, and where each co-head contributes to the rent.
14. Covered Person – For the purposes of screening and terminating tenancy for criminal activity, a tenant, any member of the tenant’s household, a guest, or another person under the tenant’s control.
15. Dating Violence – (as defined in Section 4002(a)(8) of VAWA 1994) – Violence committed by a person:
 - a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) the length of the relationship
 - (ii) the type of relationship
 - (iii) the frequency of interaction between the persons involved in the relationship.

16. Dependent – A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or 18 years of age or older and disabled, or a full-time student, and qualifies for a \$480 deduction when computing income-based rent. [24 CFR 5.603]
17. Designated Family – means the category of family for whom PHA elects (subject to HUD approval) to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 Housing Act. [PL 96-120]
18. Designated housing (or designated project) – a project(s), or portion of a project(s) designated for elderly only or for disabled families only in accordance with PL 96-106.
19. Disabled Family - A family whose head, spouse or sole member is a person with disabilities. (Person with disabilities is defined later in this section.) The term includes two or more persons with disabilities living together, and one or more such person living with one or more persons including live-in aides determined to be essential to the care and well-being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly. [24 CFR 5.403]
20. Disability assistance expenses – Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.
21. Displaced Person – 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 recognized pursuant to Federal disaster relief laws. This definition is used for eligibility determinations only. It should not be confused with the former Federal preference for involuntary displacement [42 USC 1437a(b)(3)]
22. Divestiture Income – Imputed income from assets, including business assets, disposed of by applicant or resident in the last two years at less than fair market value. (See the definition of Net Family Assets [24 CFR 5.603] in this section.)
23. Domestic Violence – (as defined in Section 40002(a)(6) of VAWA 1994) – This includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected

from that person's acts under the domestic or family violence laws of the jurisdiction.

24. Drug – A controlled substance as defined in the Controlled Substances Act. [24 CFR 5.100]
25. Drug-related Criminal Activity – The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug. [24 CFR 5.100]
26. Elderly Family – A family whose head or spouse (or sole member) is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. An elderly family may include elderly persons with disabilities and other family members who are not elderly. [24 CFR 5.403]
27. Elderly Person – A person who is at least 62 years of age.
28. Enterprise Income Verification System (EIV) – A system intended to provide a single source of income-related data to PHAs and HUD for use in verifying the income reported by tenants participating in the various assisted housing program.
29. Extremely Low Income Family – A Family whose Annual Income does not exceed 30% of Median Income for the area, as published by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.
30. Family –
 - Two or more persons (with or without children) regularly living together, related by blood, marriage, adoption, guardianship or operation of law who will live together in PHA housing; OR
 - Two or more persons who are not so related, but are regularly living together, can verify shared income or resources who will live together in PHA housing.
 - The term family also include the following terms defined in this Section:
 - Elderly family
 - Near elderly family
 - Disabled family
 - Displaced person
 - Single person
 - Remaining member of a tenant family,
 - A foster care arrangement, or a kinship care arrangement
 - Other persons, including members temporarily absent (e.g. a child temporarily placed in 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. [24 CFR 5 and 960]

- Live-in Aids may also be considered part of the applicant family's household. However, live-in aides are not *family* members and have no rights or tenancy or continued occupancy.
 - Foster Care Arrangements include situations in which the family is caring for a foster adult, child or children in their home who have been placed there by a public child placement agency. For purposes of continued occupancy: the term family also includes the remaining member of a resident family with the capacity to execute a lease.
31. Full-Time Student - A person who is carrying a subject load that is considered a full-time for day students under the standards and practices of the educational institution attended. Educational institution shall include but not be limited to: college, university, secondary school, vocational school or trade school. [24 CFR 5.603]
 32. Guest – For the purposes of determining whether an individual's criminal activity is the responsibility of the tenant, a guest is a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of the lease apply to a guest as so defined.
 33. Head of the Household – The family member (identified by the family) who is held responsible and accountable for the family.
 34. Household – The family and a PHA-approved Live-in Aide.
 35. Immediate Family Member – means, with respect to a person –
 - (A) A spouse, parent, brother, sister or child of that person, or an individual to whom that person stands in loco parentis; or
 - (B) any other person living in the household of that person and related to that person by blood or marriage.
 36. Individual with Disabilities – Section 504 definition [24 CFR 8.3]
 Section 504 definitions of Individual with Disabilities and Qualified Individual with Disabilities are not the definitions used to determine program eligibility. Instead, use the definition of person with disabilities as defined later in this section. Note: the Section 504, Fair Housing, and Americans with Disabilities Act (ADA) definitions are similar. ADA uses the term "individual with a disability". Individual with disabilities means any person who has:
 - a) A physical, mental or emotional impairment that:
 - Substantially limits one or more major life activities;
 - Has a record of such an impairment;
 - Or is regarded as having such an impairment.
 - b) For purposes of housing programs, the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the

individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.

c) Definitional elements:

“physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

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

“Major life activities” 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 an impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

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

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

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

NOTE: A person would be covered under the first item if PHA refused to serve the person because of a perceived impairment and thus “treats” the person in accordance with this perception. The last two items cover persons who are denied the services or benefits of PHA’s housing program because of myths, fears, and stereotypes associated with the disability or perceived disability.

d)The 504 definition of disability does not include homosexuality, bisexuality, or transvestitism. Note: These characteristics do not disqualify an otherwise disabled applicant/resident from being covered. The 504 definition of individual with disabilities is a civil rights definition. To be considered for admission to public housing a person

must meet the program definition of person with disabilities found in this section.

37. Kinship Care – an arrangement in which a relative or non-relative becomes the primary caregiver for a child or children but is not the biological parent of the child or children. The primary caregiver need not have legal custody of such child or children to be a kinship caregiver under this definition. (Definition provided by the Kinship Care Project, National Association for Public Interest Law)
38. Live-in Aide – A person who resides with an elderly person(s), near elderly person (s) or person(s) with disabilities and who: (a) is determined by PHA to be essential to the care and well being of the person(s); (b) is not obligated to support the family member; and (c) would not be living in the unit except to provide the necessary supportive services. [24 CFR 5.403]

PHA policy on Live-in Aides stipulates that:

- (a) Before a Live-in Aide may be moved into a unit, a third-party verification must be supplied that establishes the need for such care and the fact that the live-in aide is qualified to provide such care;
 - (b) Move-in of a Live-in Aide must not result in overcrowding of the existing unit according to the maximum-number-of-persons-per-unit standard (although, a reasonable accommodation for a resident with a disability may be to move the family to a larger unit);
 - (c) Live-in Aides have no right to the unit as a remaining member of a resident family;
 - (d) Relatives who satisfy the definitions and stipulations above may qualify as Live-in Aides, but only if they sign a statement prior to moving in relinquishing all rights to the unit as the remaining member of a resident family;
 - (e) A Live-in aide is a single person;
 - (f) A Live-in Aide will be required to meet PHA's screening requirements with respect to past behavior especially:
 - A record of disturbances of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors;
 - Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the development; and
 - A record of eviction from housing or termination from residential programs.
39. Low-Income Household – A family whose annual income does not exceed 80 percent of the median income for the area as determined

by HUD with adjustments for smaller and larger families [42 USC 1437a(b)]

40. Medical Expense Allowance – For purposes of calculating adjusted income for elderly or disabled families only, medical expenses means the medical expense in excess of 3% of Annual Income, where these expenses are not compensated for or not covered by insurance, that are anticipated during the period for which annual income is computed. [24 CFR 5.603]
41. Minor – A minor is a person less than 18 years of age. An unborn child will not be considered as a minor. (See definition of dependent.) Some minors are permitted to execute contracts, provided a court declares them “emancipated”.
42. Mixed Population Project – means a public housing project for elderly and disabled families. The PHA is not required to designate this type of project under the Extension Act. (PIH Notice 97-12)
43. Multifamily Housing Project – For purposes of Section 504, means a project containing five or more dwelling units. [24 CFR 8.3]
44. Near-elderly Family – means a family whose head, spouse, or sole member is a near-elderly person (at least 50 but less than 62 years of age), who may be a person with a disability. The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well-being of the near-elderly person or persons. A near-elderly family may include other family members who are not near-elderly. [24 CFR 5.403]
45. Near-elderly Person – means a person who is at least 50 years of age but below 62, who may be a person with a disability [42 USC 1437a(b)(3)]
46. Net Family Assets – The net cash value, after deducting reasonable costs that would be incurred in disposing of: [24 CFR 5.603]
 - (a) Real property (land, houses, mobile homes)
 - (b) Savings (CDs, IRA or KEOGH accounts, checking and saving accounts, precious metals)
 - (c) Cash value of whole life insurance policies
 - (d) Stocks and bonds (mutual funds, corporate bonds, savings bonds)
 - (e) Other forms of capital investment (business equipment)Net cash value is determined by subtracting the reasonable costs likely to be incurred in selling or disposing of an asset from the market value of the asset. Examples of such costs are: brokerage or legal fees, settlement costs for real property, or penalties for withdrawing saving funds before maturity.
Net Family assets also include the amount in excess of any consideration received for assets disposed of by an applicant or resident for less than fair market value during the two years preceding the date of the initial certification or reexamination. This

does not apply to assets transferred as the result of a foreclosure or bankruptcy sale.

In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be less than fair market value if the applicant or resident receives important considerations not measurable in dollar terms. [24 CFR 5.603(b)(3)]

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 the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.

In determining net family assets, PHAs shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore.

47. Other Person Under the Tenant's Control – The person, although not staying as a guest in the unit is or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control (e.g. the Pizza Delivery person).
48. Person with Disabilities (NOTE: This is the program definition for public housing. The 504 definition does not supersede this definition for eligibility or admission.) [42 USC 1437a(b)(3)] means a person (may be a child) who –
- (a) Has a disability as defined in Section 223 of the Social Security Act (42 USC 423); or,
 - (b) Has a physical, mental or emotional impairment that:
 - Is expected to be of long continued and indefinite duration;
 - Substantially impedes his/her ability to live independently; and,
 - Is of such nature that such disability could be improved by more suitable housing conditions or,
 - (c) A developmental disability as defined in Section 102 (5) (b) of the Developmental Disabilities Assistance and Bill of Rights Act (42 USC 6001) (5).
49. Portion of Project – includes, one or more buildings in a multi-building project; one or more floors of a project or projects; a certain number of dwelling units in a project or projects. [24 CFR 945.105]

50. Project – Section 504 – means the whole of one or more residential structures and appurtenant structures, equipments, roads, walks and parking lots that are covered by a single contract for Federal financial assistance or application for assistance, or are treated as a whole for processing purposes, whether or not located on a common site. [24 CFR 8.3]

51. Premises – The building or complex or development in which the public housing dwelling is located, including common areas and grounds.

52. Qualified Individual with Disabilities – Section 504 – means an individual with disabilities who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the PHA can demonstrate would result in a fundamental alteration in its nature.

(a) Essential eligibility requirements include: .. stated eligibility requirements such as income as well as other explicit or implicit requirements inherent in the nature of the program or activity, such as requirements that an occupant of multifamily housing be capable of meeting the recipient's selection criteria and be capable of complying with all obligations of occupancy with or without supportive services provided by persons other than the PHA.

53. Single Person – a person who is not an elderly person, a person with disabilities, a displaced person, or the remaining member of a resident family.

54. Spouse – Spouse means the husband or wife of the head of the household.

55. Stalking – means –

(A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and

(B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to – (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

56. Tenant Rent – The amount payable monthly by the Family as rent to PHA. Where all utilities (except telephone) and other essential housing services are supplied by the Authority, Tenant Rent equals total Tenant Payment. [24 CFR 5.603]

57. Total Tenant Payment (TTP) – The TTP, or income-based rent, is highest of the following amounts, rounded to the nearest dollar:

- 1) 30% of the family's monthly Adjusted Income (as defined in these policies);
- 2) 10% of the family's monthly Annual Income (as defined in these policies);

3) If the family is receiving payments for Welfare Assistance from a public agency and a part of those payments, adjusted in accordance with the family actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated, if applicable;

4) But never less than the Minimum Rent . [24 CFR 5.613]

58. Uniform Federal Accessibility Standards – Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically disable persons will have ready access to and use of such structures. The standards are set forth in Appendix A to 24 CFR Part 40.

59. Upfront Income Verification (UIV) – The Upfront Income Verification supplied by HUD is intended to provide a single source of income related data to public housing agencies (PHAs) for use in verifying the income reported by tenants in the various assisted housing programs. (Also known as EIV.)

60. Utilities – Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection, and sewerage services. Telephone service is not included as a utility. [24 CFR 990.102]

61. Upward Mobility Preference: An admissions preference granted when:

(a) A family can verify employment of an adult member:

(i) Employment at the time of the offer – To receive this preference the applicant family must have at least one family member, age 18 or older, employed at the time of PHA's offer of housing. Employment at the time of the offer must be for the 90 day period immediately prior to the offer of housing and provide a minimum of 20 hours of work per week for the family member claiming the preference.

62. Very Low Income Family – A family whose annual income does not exceed 50 percent of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

63. 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.

**Housing Authority of the Town of Mount Airy
Violence Against Women Act Policy
Adopted July 10, 2007**

This Violence Against Women Act (VAWA) Policy is established for the Housing Authority of the Town of Mount Airy (herein referred to as Authority), by action of the Board of Commissioners on this tenth day of July, 2007. This policy is based on the enactment of the January 5, 2006 Title VI "Violence Against Women and Department of Justice Reauthorization Act of 2005" (Pub. L. 109-162).

The Housing Authority of the Town of Mount Airy will follow Federal law in its efforts to serve the needs of victims of domestic violence, dating violence, sexual assault and stalking (all of which are here referred to as victims of **domestic violence**).

Definitions

Domestic Violence (as defined in Section 40002(a)(6) of VAWA 1994)– The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence – (as defined in Section 40002(a)(8)of VAWA 1994) – The term 'dating violence' means violence committed by a person –

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

Stalking – means-

- (A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and
- (B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of

the death of, or serious bodily injury to, or to cause substantial emotional harm to –

- (i) that person;
- (ii) a member of the immediate family of that person; or
- (iii) the spouse or intimate partner of that person

Immediate Family Member – means, with respect to a person –

- (A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
- (B) any other person living in the household of that person and related to that person by blood or marriage.

An applicant or tenant who is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission. Incidents of actual or threatened domestic violence shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

Criminal activity directly relating to domestic violence engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy right if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence unless the Authority can demonstrate an actual and imminent threat to other tenants or employees if that tenant is not evicted. The Authority may bifurcate the lease in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

The Authority retains the right to terminate assistance to a tenant for any violation of the lease not premised on the act or acts of violence in question provided the same standards apply to victims and non-victims. The Authority shall not subject an individual who is or has been a victim of domestic violence to a more demanding standard than other tenants in determining whether to evict or terminate.

Upon proper notice thereof, the Authority shall honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution of possession of property among the household members in cases where a family breaks up.

Individuals shall be required to provide certification of his/her status as a victim of domestic violence to qualify for the protections implemented in the VAWA and for

the confidentiality of that certification. Such certification shall include the name of the perpetrator. The individual shall provide such certification within fourteen (14) business days after the Authority requests such certification in writing. If the certification is not received within fourteen (14) business days of the Authority's written request, nothing shall limit the Authority's ability to terminate assistance. The Authority may extend the fourteen (14) day deadline at its discretion.

An individual may satisfy the certification requirement by providing the Authority with documentation signed by an employee or agent of a victim service provider, police or court records, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence or the effects of the abuse, in which the professional attests to the professional's belief that the incident or incidents in question are bona fide incidents of abuse.

All information provided to the Authority pursuant to the fact that an individual is a victim of domestic violence shall be retained in confidence and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is requested or consented to by the individual in writing, is required for use in an eviction proceeding as provided in this policy or otherwise required by applicable law.