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PET POLICY

GLOSSARY

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ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy defines the City of Mt Holly Housing Authority's policies for the operation for the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

1.0 FAIR HOUSING

It is the policy of the City of Mt Holly Housing Authority to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the City of Mt Holly Housing Authority's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the City of Mt Holly Housing Authority will provide Federal/State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the City of Mt Holly Housing Authority office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The City of Mt Holly Housing Authority will assist any family that believes they have suffered illegal discrimination by providing them copies of the appropriate housing discrimination forms. The City of Mt Holly Housing Authority will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

2.0 REASONABLE ACCOMMODATION

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the City of Mt Holly Housing Authority housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the City of Mt Holly Housing Authority will follow in determining whether it is reasonable to provide a requested

accommodation. Because disabilities are not always apparent, the City of Mt Holly Housing Authority will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

2.1 COMMUNICATION

Anyone requesting an application will also receive a Request for Reasonable Accommodation form.

Residents who are requesting a reasonable accommodation must submit a written request to the City of Mt Holly Housing Authority.

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

2.2 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION

- A. Is the requestor a person with disabilities? For this purpose the definition of person with disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental 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. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the City of Mt Holly Housing Authority will obtain verification that the person is a person with a disability.

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the City of Mt Holly Housing Authority will obtain documentation that the requested accommodation is needed due to the disability. The City of Mt Holly Housing Authority will not inquire as to the nature of the disability.

- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration? The City of Mt Holly Housing Authority's business is housing. If the request would alter the fundamental business that the City of Mt

Holly Housing Authority conducts, that would not be reasonable. For instance, the City of Mt Holly Housing Authority would deny a request to have the City of Mt Holly Housing Authority do grocery shopping for a person with disabilities.

2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the City of Mt Holly Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives.

- D. Generally the individual knows best what it is they need; however, the City of Mt Holly Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the City of Mt Holly Housing Authority's programs or services.

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

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by the City of Mt Holly Housing Authority if there is no one else willing to pay for the modifications. If another party pays for the modification, the City of Mt Holly Housing Authority will seek to have the same entity pay for any restoration costs.

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

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

3.0 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND RESIDENTS

The City of Mt Holly Housing Authority will endeavor to have access to people who speak languages other than English in order to assist non-English speaking families. The following languages Shall be covered:

Spanish

4.0 FAMILY OUTREACH

The City of Mt Holly Housing Authority will publicize the availability and nature of the Public Housing Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach people, who cannot or do not read the newspapers, the City of Mt Holly Housing Authority will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. The City of Mt Holly Housing Authority will also try to utilize public service announcements.

The City of Mt Holly Housing Authority will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.

5.0 RIGHT TO PRIVACY

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

Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant.

6.0 REQUIRED POSTINGS

In each of its offices, the City of Mt Holly Housing Authority will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. Notice of the status of the waiting list (opened or closed)
- C. A listing of all the developments by name, address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours
- D. Income Limits for Admission

- E. Utility Allowance Schedule
- F. Current Schedule of Routine Maintenance Charges
- G. Dwelling Lease
- H. Grievance Procedure
- I. Fair Housing Poster
- J. Equal Opportunity in Employment Poster
- K. Any current City of Mt Holly Housing Authority Notices

7.0 TAKING APPLICATIONS

Families wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. Applications will be accepted on Tuesdays only, between the hours of 8:30 a.m. and 3:00 p.m. at:

**City of Mt Holly Housing Authority Central Office
635 Noles Drive, NC 28120**

Applications are taken to compile a waiting list. Due to the demand for housing in the City of Mt Holly Housing Authority jurisdiction, the City of Mt Holly Housing Authority may take applications on an open enrollment basis, depending on the length of the waiting list.

Completed applications will be accepted for all applicants and the City of Mt Holly Housing Authority will verify the information.

Applications will be mailed to interested families upon request as a reasonable accommodation.

The completed application will be dated and time stamped upon its return to the City of Mt Holly Housing Authority.

Persons with disabilities who require a reasonable accommodation in completing an application may call the City of Mt Holly Housing Authority to make special arrangements. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TDD telephone number is (800) 545-1833 ext. 883.

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information establishing any

preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

Upon receipt of the family's pre-application, the City of Mt Holly Housing Authority will make a preliminary determination of eligibility. The City of Mt Holly Housing Authority will notify the family in writing of the date and time of placement on the waiting list, and the approximate wait before housing may be offered. If the City of Mt Holly Housing Authority determines the family to be ineligible, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant may at any time submit written changes in their applicant status including changes in mailing address, phone number(s), family composition, income, or preference factors. All changes, whether in person or in writing must include a copy of applicant's picture ID. No changes can be made over the phone. The City of Mt Holly Housing Authority will annotate the applicant's file and will update their place on the waiting list. Confirmation of the changes will be confirmed with the family in writing.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. After completion of the final application, the City of Mt Holly Housing Authority will ensure that verification of all preferences, eligibility, suitability and selection factors are current as well as make inquiries of the rental history, criminal background and credit history of all adult family members, in order to determine final eligibility for admission into the Public Housing Program.

8.0 ELIGIBILITY FOR ADMISSION

8.1 INTRODUCTION

There are five eligibility requirements for admission to public housing: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the City of Mt Holly Housing Authority screening criteria in order to be admitted to public housing.

8.2 ELIGIBILITY CRITERIA

A. Family status

1. A family with or without children.
 - a. Children temporarily absent from the home due to placement in foster care are considered family members.

- b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.
- c. Persons that are a part of the applicant household through marriage, birth, adoption or custody awarded by a court or other government agency (ie Department of Social Services: Kinship Agreement and/or Safety Agreement) at the time the application is submitted.
- d. Persons that are added to the application due to marriage, birth, adoption or custody awarded by a court or other government agency (ie Department of Social Services: Kinship Agreement and/or Safety Agreement) after the application has been submitted and placed on the waiting list.

2. An **elderly family**, which is:

- a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
- b. Two or more persons who are at least 62 years of age living together; or
- c. One or more persons who are at least 62 years of age living with one or more live-in aides.

3. A **near-elderly family**, which is:

- a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
- b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
- c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

4. A **disabled family**, which is:

- a. A family whose head, spouse, or sole member is a person with disabilities;
- b. Two or more persons with disabilities living together; or

c. One or more persons with disabilities living with one or more live-in aides.

5. A **displaced family**, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
6. A **remaining member of a tenant family**, at least 18 years of age, emancipated or minor(s) with care-provider(s) approved by City of Mt Holly Housing Authority.
7. A **single person** who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

B. Income eligibility

1. To be eligible for admission to developments or scattered-site units that were available for occupancy before 10/1/81, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.
2. To be eligible for admission to developments or scattered-site units that became available on or after 10/1/81, the family's annual income must be within the very low-income limit set by HUD, unless HUD grants an exception. This means that without a HUD exception, the family income cannot exceed 50 percent of the median income for the area.
3. Income limits apply only at admission and are not applicable for continued occupancy.
4. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirements of the City of Mt Holly Housing Authority.
5. If the City of Mt Holly Housing Authority acquires a property for federal public housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as public housing tenants.
6. Income limit restrictions do not apply to families transferring within

our Public Housing Program.

7. The City of Mt Holly Housing Authority may allow police officers that would not otherwise be eligible for occupancy in public housing to reside in a public housing dwelling unit. Such occupancy must be needed to increase security for public housing residents. Their rent Shall at least equal the cost of operating the public housing unit.

C. Citizenship/Eligibility Status

1. To be eligible each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)) or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States Citizen or national resident within Guam.
2. Family eligibility for assistance:
 - a. A family Shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
 - b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.5 for calculating rents under the non-citizen rule).
 - c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance

Violence against Women Act 2005

Admissions:

Definitions:

The term **domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Gaston County.

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

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

The term **stalking** means:

- To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate
- To place under surveillance with the intent to kill, injure, harass, or intimidate another person
- 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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person

The term **immediate family** member means, with respect to a person:

- A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent.
- Any other person living in the household of that person and related to that person by blood or marriage

The City of Mt Holly Housing Authority will not deny admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking. The applicant will be required to provide certification of such violence through copies of a police report(s), restraining order, court records relating to the violence, victim service provider, attorney or medical professional from whom the victim has sought assistance in addressing the actual or threatened abuse.

Any applicant who the Housing Authority is seeking to deny admission can assert that she/he falls under the domestic violence exception by notifying the authority office in writing within 14 days of receipt of the notice. If stated, the individual must provide the HUD approved certification form within 14 business days after a written request. The individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in questions or stated are bona fide incidents of such actual or threatened abuse. Such certification shall include the name of the perpetrator.

If not, provided within stated period, the housing authority will complete the denial process.

Applicant will be required to sign the VAWA notice form that will be attached to all applications.

Extension of time will only be granted if requested in writing by person(s) with a Disability as a reasonable accommodation. Request must be made before period expires.

D. Social Security Number Documentation

To be eligible, all family members 6 years of age and older must provide a Social Security number or certify that they do not have one.

E. Signing Consent Forms

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, Shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD or the City of Mt Holly Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and
 - b. A provision authorizing HUD or the City of Mt Holly Housing Authority to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
 - c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
 - d. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

8.3 SUITABILITY

- A. Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The City of Mt Holly Housing Authority will look at past conduct as an indicator of future

conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, City of Mt Holly Housing Authority employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

- B. The City of Mt Holly Housing Authority will consider objective and reasonable aspects of the family's background, including the following:
1. History of meeting financial obligations, especially rent;
 2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
 3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
 3. History of disturbing neighbors or destruction of property;
 4. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
 5. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
- C. The City of Mt Holly Housing Authority will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The City of Mt Holly Housing Authority will verify the information provided. Such verification may include but may not be limited to the following:
1. A credit check of the head, spouse and all adult family members;
 2. A rental history check of all adult family members;
 3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last

three years. Where the individual has lived outside the local area, the City of Mt Holly Housing Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);

4. A check of the State's sex offender registration program for each adult household member, including live-in aides, care-providers. No individual registered with this program will be admitted to public housing.

8.4 GROUNDINGS FOR DENIAL

The City of Mt Holly Housing Authority is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants;
- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity, engage in abuse or pattern of abuse of alcohol that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property;
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;

- J. Evicted from assisted housing within five years of the projected date of admission because of drug-related and/or violent criminal activity;
- K. Were evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- L. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The City of Mt Holly Housing Authority may waive this requirement if:
 - 1. The person demonstrates to the City of Mt Holly Housing Authority's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - 2. Has successfully completed a supervised drug or alcohol rehabilitation program;
 - 3. Has otherwise been rehabilitated successfully; or
 - 4. Is participating in a supervised drug or alcohol rehabilitation program.
- M. Have engaged in or threatened abusive or violent behavior towards any City of Mt Holly Housing Authority staff or residents;
- N. Have a household member who has ever been evicted from public housing within three (3) years of projected of admission, for reason(s) other than drug-related and/or violent criminal activity;
- O. Have a family household member who has been terminated under the voucher program within three (3) years of projected of admission, for reason(s) other than drug-related and/or violent criminal activity;
- P. **Denied for Life:** If any family member has been convicted of manufacturing or producing methamphetamine (speed) whether on or off City of Mt Holly Housing Authority property or any other federally assisted property;
- Q. **Denied for Life:** has a registration under a State sex offender registration program;
- R. Any household member(s) having been evicted from a federally assisted housing program for drug-related and/or violent criminal activity will be

denied assistance for five (5) years from the date of eviction. The housing authority may admit the household if it determines that the circumstances leading to eviction no longer exists (the member died, is imprisoned or will not be a member of the household and will not visit the household members on the property of the authority);

- S. Currently engaging in illegal use of drugs or has engaged in an illegal use of a drug: illegal use of a drug occurred recently enough as to justify a reasonable belief that there is continuing illegal drug use by household member(s). Reasonable time: last twelve (12) months.

Before the City of Mt Holly Housing Authority denies admission, based on a household member(s) criminal record, the housing authority will submit to the head of household the following information:

1. Notice of the proposed action to deny admission;
2. A copy of the criminal record reflecting the charges against the person(s)
3. State that the applicant has fourteen (14) calendar days, from the date of the notice, to dispute the accuracy and relevance of the report.

8.5 INFORMAL REVIEW

- A. If the City of Mt Holly Housing Authority determines that an applicant does not meet the criteria for receiving public housing assistance, the City of Mt Holly Housing Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision and state that the applicant may request an informal review of the decision within 14 calendar days of the date of the denial notice. The City of Mt Holly Housing Authority will describe how to obtain the informal review.

The informal review may be conducted by any person designated by the City of Mt Holly Housing Authority, other than a person who made or approved the decision under review or subordinate of this person. The applicant must be given the opportunity to present written or oral objections to the City of Mt Holly Housing Authority's decision. The City of Mt Holly Housing Authority must notify the applicant of the final decision within 14 calendar days after the informal review, including a brief statement of the reasons for the final decision.

- B. The participant family may request that the City of Mt Holly Housing Authority provide for an informal hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision.

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

9.0 MANAGING THE WAITING LIST

9.1 OPENING AND CLOSING THE WAITING LIST

Opening of the waiting list will be announced with a public notice stating that applications for public housing will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation and also by any available minority media. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for public housing. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

The MHHA is not required to give public notice before closing the waiting list. The MHHA may close the entire waiting list or only accept applications from a specified number of families meeting specified criteria. Should the MHHA close the waiting list, applications must be accepted from preference holders; unless there are an adequate number of applicants with preferences.

9.2 ORGANIZATION OF THE WAITING LIST

The waiting list will be maintained in accordance with the following guidelines:

- A. The application will be a permanent file;
- B. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and
- C. Any contacts between the City of Mt Holly Housing Authority and the applicant will be documented in the applicant file.

9.3 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be within three (3) months of being offered a unit, the family will be invited to an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be

returned to the appropriate spot on the waiting list. The City of Mt Holly Housing Authority must notify the family in writing of this determination and give the family the opportunity for an informal review.

Once the preference has been verified, the family will complete a full application, present social security number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

9.4 PURGING THE WAITING LIST

The City of Mt Holly Housing Authority will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents the interested families for whom the City of Mt Holly Housing Authority has current information, i.e. applicant's address and phone numbers, family composition, income category, and preferences. **Families purged from the waiting list will not be entitled to an informal review.**

9.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The City of Mt Holly Housing Authority will not remove an applicant's name from the waiting list unless:

- A. *The applicant submits **oral or written request** that the name be removed*
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program; or
- C. The applicant does not meet either the eligibility or suitability criteria for the program.
- D. Misses scheduled appointments without good cause: (death of illness of self or immediate family members)
- E. If the applicant receives 3 offers of housing and rejects all offers.
- F. The applicant has failed to notify MHHA of any changes in family status, phone numbers and/or address.
- G. MHHA has made reasonable effort to contact the applicant to schedule appointment to update the waiting list, but has been unsuccessful. File copies of correspondence (or other methods designated by an applicant with a disability) sent by first class mail to the latest address that may or may not be returned by the Post Office will constitute documentation of reasonable effort to contact the applicant.
- H. MHHA has made reasonable efforts to contact the applicant after update appointment to obtain information necessary to proceed with the eligibility

process, and the applicant fails to respond. File copies of correspondence (or other methods designated by an applicant with a disability) sent by first class mail to the latest address that may or may not be returned by the Post Office will constitute documentation of reasonable effort to contact the applicant.

9.6 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment with the City of Mt Holly Housing Authority will be sent a notice of denial, in accordance with the paragraph below.

The City of Mt Holly Housing Authority will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, the City of Mt Holly Housing Authority will work closely with the family to find a more suitable time.

9.7 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant who has been determined ineligible for assistance due to eligibility criteria will be notified by the City of Mt Holly Housing Authority, in writing, that they have fourteen (14) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. Any applicant who has been removed from the waiting list due to any reasons other than ineligibility criteria is not entitled to an informal review. The City of Mt Holly Housing Authority's system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the City of Mt Holly Housing Authority will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

10.0 TENANT SELECTION AND ASSIGNMENT PLAN

10.1 PREFERENCES

The City of Mt Holly Housing Authority will select families based on the following preferences within each bedroom size category:

1. Displaced by government action
2. Families who are elderly, disabled, or displaced will be offered housing before other families and other single persons.

3. Date and time of application

Accessible Units: Accessible units will be first offered to families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, must sign a release form stating they will accept a transfer (at their own expense) if, at a future time, a family requiring an accessible feature applies. Any family required to transfer will be given appropriate notice.

10.2 ASSIGNMENT OF BEDROOM SIZES

The following guidelines will determine each family's unit size without overcrowding or over-housing:

# of Bedrooms	# of Persons	
	Minimum	Maximum
2	2	4
3	3	6

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons, regardless of age.

In determining bedroom size, the City of Mt Holly Housing Authority will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school, or children who are temporarily in foster-care.

In addition, the following considerations may be taken in determining bedroom size:

- A. Children of the same sex will share a bedroom.
- B. Children of the opposite sex, both under the age of three (3), may share a bedroom.
- C. Foster-adults and/or foster-children will not be required to share a bedroom with family members.
- D. Live-in aides will get a separate bedroom.

Exceptions to normal bedroom size standards include the following:

- A. Units smaller than assigned through the above guidelines. A family may request a smaller unit size than the guidelines allow. The City of Mt Holly Housing Authority will allow the smaller size unit so long as generally no more than two- (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for one year or until the family size changes, whichever may occur first.
- B. Units larger than assigned through the above guidelines- A family may request a larger unit size than the guidelines allow. The City of Mt Holly Housing Authority will allow the larger size unit if the family provides a verified medical need that the family needs to be housed in a larger unit.
- C. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family's own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given appropriate notice before being required to move.
- D. Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

10.3 SELECTION FROM THE WAITING LIST

The City of Mt Holly Housing Authority shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income. To insure this requirement is met we will quarterly monitor the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met, we will skip higher income families on the waiting list to reach extremely low-income families.

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

10.4 DECONCENTRATION POLICY

It is City of Mt Holly Housing Authority's policy to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Toward this end, we will skip families on the waiting list to reach

other families with a lower or higher income. We will accomplish this in a uniform and non-discriminating manner.

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

Prior to the beginning of each fiscal year, we will analyze the income levels of families residing in each of our developments, the income levels of census tracts in which our developments are located, and the income levels of the families on the waiting list. Based on this analysis, we will determine the level of marketing strategies and de-concentration incentives to implement. The worksheet for the analysis can be found in **Appendix 1**.

10.5 DECONCENTRATION INCENTIVES

The City of Mt Holly Housing Authority may offer one or more incentives to encourage applicant families whose income classification would help to meet the de-concentration goals of a particular development.

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

10.6 OFFER OF A UNIT

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

The City of Mt Holly Housing Authority will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given ten (10) business days from the date of the letter to contact the City of Mt Holly Housing Authority regarding the offer.

The family will be offered the opportunity to view the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the City of Mt Holly Housing Authority will document the offer and the rejection in the resident file.

The family will be offered three (3) apartments. If the family rejects three (3) apartments, the family will be removed from the wait list and will have to re-apply for assistance. The family will not be entitled to an informal review.

10.7 REJECTION OF UNIT

If in making the offer to a family, the City of Mt Holly Housing Authority skipped over other families on the waiting list, in order to meet their deconcentration goal or offered the family any other deconcentration incentive and the family rejects the unit, the family will not lose their place on the waiting list and will not be otherwise penalized.

10.8 ACCEPTANCE OF UNIT

The family will be required to sign a lease. The family must remain in the Public Housing unit for the initial term of the lease before being eligible to receive assistance under the Section 8 Voucher Program.

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

The applicant will be provided a copy of the lease and the grievance procedure. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and attend the orientation briefing. The certification will be filed in the tenant's file. Utility allowances, utility charges, the current schedule of routine maintenance charges will be posted in the main office and copies will be made available upon request. Request for reasonable accommodation forms are also available upon request.

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and the City of Mt Holly Housing Authority will retain the original executed lease in the tenant's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.

The family will pay a security deposit no later than at lease signing. The amount of security deposit charged is the greater of \$300.00 or one month's rent, up to a maximum of \$400.00. The amount of security deposit will remain the same unless the security deposit policy is changed by the Board resolution.

In exceptional situations, the City of Mt Holly Housing Authority reserves the right to allow a new resident to pay their security deposit in up to three (3) payments. One third shall be paid in advance, one-third with their second rent payment, and one-third with their third rent payment. This shall be at the sole discretion of the Housing Authority.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit.

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

11.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

To determine annual income, the City of Mt Holly Housing Authority counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the City of Mt Holly Housing Authority subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

11.1 INCOME

Annual income means all amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income, to include employees of the school systems), or the City of Mt Holly Housing Authority believes that past income is the best available indicator of expected future income, the City of Mt Holly Housing Authority may annualize the income anticipated for a shorter period, subject to a re-determination at the end of the shorter period. The income of those who are hourly or salaried employee, whether employment is ten (10) or twelve (12) months will be calculated (annualized) for the period they are employed, whether that period is ten (10) or twelve (12) months.

Annual income includes, but is not limited to:

- A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
- B. The net income from the operation of a business or profession.

Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.

- C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes 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.
- D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (Lump sum additions such as insurance payments from worker's compensation are excluded.)
- F. Welfare assistance:
 - 1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
 - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - b. The maximum amount the welfare agency could in fact allow for

the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

2. Imputed welfare income:
 - a. A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the Statesville Housing Authority by the welfare agency) plus the total amount of other annual income.
 - b. At the request of the City of Mt Holly Housing Authority, the Welfare agency will inform the City of Mt Holly Housing Authority in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the City of Mt Holly Housing Authority of any subsequent changes in the term or amount of such specified welfare benefit reduction. The City of Mt Holly Housing Authority will use this information to determine the amount of imputed welfare income for a family.
 - c. A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the City of Mt Holly Housing Authority by the welfare agency).
 - d. The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.
 - e. The City of Mt Holly Housing Authority will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.
 - f. If a resident is not satisfied that the City of Mt Holly Housing Authority has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Statesville Housing Authority denies the family's request to modify such amount, then the City of Mt Holly Housing Authority shall give the resident written notice of such denial, with a brief explanation of the basis for the City of Mt Holly Housing Authority's

determination of the amount of imputed welfare income. The City of Mt Holly Housing Authority's notice shall also state that if the resident does not agree with the determination, the resident may grieve the decision in accordance with our grievance policy. The resident is not required to pay an escrow deposit for the portion of the resident's rent attributable to the imputed welfare income in order to obtain a grievance hearing.

g. Relations with welfare agencies:

- 1). The City of Mt Holly Housing Authority will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the City of Mt Holly Housing Authority written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.
- 2). The City of Mt Holly Housing Authority is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the housing authority. However, the *City of Mt Holly Housing Authority* is not responsible for determining if a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.
- 3). Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The City of Mt Holly Housing Authority shall rely on the welfare agency notice to the City of Mt Holly Housing Authority of the welfare agency's determination of a specified welfare benefits reduction.

G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.

H. All regular pay, special pay, and allowances of a member of the Armed

Forces. (Special pay to a member exposed to hostile fire is excluded.)

11.2 ANNUAL INCOME

Annual income **does not** include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The amounts received from the following programs:
 - 1. Amounts received under training programs funded by HUD;
 - 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - 3. 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.) and that are made solely to allow participation in a specific program;
 - 4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing

Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time;

5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For the purpose of this exclusion the following definitions apply:
 - a. Comparable Federal, State or local law means a program providing employment training and supportive services that:
 - 1). Is authorized by a Federal, State or local law;
 - 2). Is funded by the Federal, State or local government;
 - 3). is operated or administered by a public agency; and
 - 4). Has as its objective to assist participants in acquiring employment skills.
 - b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job

acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.

- c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

11. The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10. Additionally, this exclusion is only available to the following families:

- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
- b. Families whose income increases during the participation of a family member in any economic family self-sufficiency or other job-training program.
- c. Families who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program. (TANF includes both regular monthly income and one-time benefits and/or services that total \$500 over a six month period.)

During the second cumulative 12-month period after the date of initial hire, 50% of the increased income shall be excluded from income. The disallowance of increased income of an individual family member is limited to a lifetime 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

(While HUD regulations allow for the housing authority to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this housing authority to provide the exclusion in all cases.)

- 12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
- 13. 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;

14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
 - a. The value of the allotment of food stamps
 - b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
 - c. Payments received under the Alaska Native Claims Settlement Act
 - d. Income from sub marginal land of the U.S. that is held in trust for certain Indian tribes
 - e. Payments made under HHS's Low-Income Energy Assistance Program
 - f. Payments received under the Job Training Partnership Act
 - g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
 - h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
 - i. Amount of scholarships awarded under Title IV including Work Study
 - j. Payments received under the Older Americans Act of 1965
 - k. Payments from Agent Orange Settlement
 - l. Payments received under the Maine Indian Claims Act
 - m. The value of childcare under the Child Care and Development Block Grant Act of 1990
 - n. Earned income tax credit refund payments
 - o. Payments for living expenses under the Americorps Program
 - p. Additional income exclusions provided by and funded by the

City of Mt Holly Housing Authority

The City of Mt Holly Housing Authority **will not** provide exclusions from income in addition to those already provided for by HUD.

11.3 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent;
- B. \$400 for any elderly family or disabled family;
- C. The sum of the following, to the extent the sum exceeds three (3) percent (%) of annual income:
 - 1. Un-reimbursed medical expenses of any elderly family or disabled family; and
 - 2. Un-reimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.
 - 3. \$600 annual transitional assistance subsidy through Medicare
 - 4. \$30 enrollment fee for the Medicare Prescription Discount Card
- D. Childcare expenses necessary to enable a member of the family to be employed or to further his or her education. This deduction Shall not exceed the amount of employment income of the person who is able to work or attend school that is included in annual income.

E. DISALLOWANCE OF EARNED INCOME FROM RENT

Overview

The earned income disallowance, established by QHWRA, encourages resident self-sufficiency by rewarding certain residents who go to work or have increased earnings. The earned income disallowance is applicable to an adult resident who either begins earning income or earns additional income. The disallowance functions as an income exclusion-that is, certain amounts of qualifying adults' verified income is not counted toward rent for a specified period. For a qualified resident, increases in income due to earnings are completely excluded in calculating rent for twelve-(12) months, after which,

half the increased earnings are excluded for the following twelve-(12) months. The exclusion period can be interrupted, but in no case may the total number of months between the beginning of the exclusion and the final month of exclusion exceed forty eight-(48) months. Applicants cannot receive the earned income disallowance, including for purposes of admission, rent and income targeting.

Qualifying for a Disallowance

The earned income disallowance is only available to public housing residents. Only adults can qualify for the earned income disallowance (because earnings of family members other than the head or spouse are excluded if the family member is under the age of 18). Each person can receive only one forty eight-(48) month disallowance period during his or her lifetime. There are three categories of individuals who qualify for the earned income disallowance:

1. A person whose annual income increases as a result of employment after having been unemployed for one or more years previous to employment;
2. A person whose annual income increases as a result of increased earnings during participation in an economic self-sufficiency or other job-training program;
or
3. A person whose annual income increases as a result of new employment or increased earnings, during or within six-(6) months after receiving assistance, benefits or services under a program funded by any state program for Temporary Assistance to Needy Families funded under Part A of Title VI of the Social Security Act. The TANF assistance may consist of amount monthly income maintenance, benefits and services such as child care, transportation subsidies, wage subsidies and other amounts and services as long as the value of such benefits or services over a six (6) month period is at least \$500.

DISALLOWANCE AMOUNTS

Initial twelve- (12) month exclusion. Beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income the amount by which the new income exceeds the family member's former income.

Second twelve- (12) month exclusion and phase-in. The PHA must exclude from annual income of a qualified family member fifty percent (50%) of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

Maximum four- (4) year disallowance. The earned income disallowance is limited to a lifetime 48-month period. It only applies for a maximum of twelve months of full

exclusion of incremental increase and a maximum of twelve months of phase-in exclusion of fifty percent during the 48-month period starting from the date of the initial exclusion.

If the period of increased income does not last for twelve consecutive months, the disallowance period may be resumed at any time within the 48-month period and continued until the disallowance has been applied for a total of twelve months of each disallowance (the initial twelve month full exclusion and the second twelve month phase-in exclusion).

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

APPLICABILITY TO CHILD CARE EXPENSE DEDUCTIONS

The amount deducted for childcare necessary to permit employment or education shall not exceed the amount of employment income of the person who is able to work or attend school that is included in annual income. Therefore; for families entitled to the earned income disallowance, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for childcare deductions.

TRACKING THE EARNED INCOME EXCLUSION PERIODS

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the lack of increase in rent. This will also ensure that every resident gets the twelve months of full disallowance and twelve months of fifty percent disallowance to which they are entitled and to avoid granting any resident a disallowance that extends beyond the 48 month maximum.

Inapplicability to Admission

The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

All persons that are added to an existing lease will be treated as a new admission to the program and therefore will not be eligible for the earned income disallowance.

11.4 RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME

- A. If a public housing resident receives a letter or notice from HUD concerning the amount, or verification of family income, the letter Shall be brought to the person responsible for income verification within thirty (30) days of receipt by the resident.
- B. The Occupancy Specialist shall reconcile any difference between the amount reported by the resident and the amount listed in the HUD communication. This shall be done as promptly as possible.
- C. After the reconciliation is complete, the City of Mt Holly Housing Authority shall adjust the resident's rent beginning at the start of the next month unless the reconciliation is completed during the final five (5) days of the month and then the new rent Shall take effect on the first day of the second month following the end of the current month. In addition, if the resident had not previously reported the proper income, the City of Mt Holly Housing Authority Shall do one of the following:
 - 1. Immediately collect the back rent due to the agency;
 - 2. Establish a repayment plan for the resident to pay the sum due to the agency;
 - 3. Terminate the lease and evict for failure to report income; or
 - 4. Terminate the lease, evict for failure to report income, and collect the back rent due to the agency.

11.5 COOPERATING WITH WELFARE AGENCIES

The City of Mt Holly Housing Authority will make its best efforts to enter into cooperation agreements with local welfare agencies under which the welfare agencies will agree:

- A. To target assistance, benefits and services to families receiving assistance in the public housing and Section 8 tenant-based assistance program to achieve self- sufficiency; and
- B. To provide written verification to the City of Mt Holly Housing Authority concerning welfare benefits for families applying for or receiving assistance in our housing assistance programs.

12.0 VERIFICATION

The City of Mt Holly Housing Authority will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination Shall also be reviewed and verified. Income, assets, and expenses will be

verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible non-citizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

12.1 ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the City of Mt Holly Housing Authority, UIV System, EIV/UIV System, or automatically by another government agency, i.e. the Social Security Administration, child support agencies and/or automated systems. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc.

When third party verification cannot be obtained, the City of Mt Holly Housing Authority will accept documentation received from the applicant/tenant. Hand-carried documentation will be accepted if the City of Mt Holly Housing Authority has been unable to obtain third party verification in a 4-week period of time. Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor hand-carried verification can be obtained, the City of Mt Holly Housing Authority will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

12.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the City of Mt Holly Housing Authority will send a request form to the

source along with a release form signed by the applicant/tenant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
General Eligibility Items		
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE form	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDS, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
Income		
Earned income	Letter from employer, UIV/EIV Systems	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter or electronic reports from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers compensation, unemployment, child	Letter or electronic reports from the source, UIV/EIV Systems	Award letter, letter announcing change in amount of future payments

Non-citizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.

Any family member who does not choose to declare their status must be listed on the statement of no eligible members.

If no family member is determined to be eligible under this section, the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.

If the City of Mt Holly Housing Authority determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible no citizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

12.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security number and who is at least 6 years of age, must provide verification of their Social Security number. New family members at least 6 years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security number is the original Social Security card. If the card is not available, the City of Mt Holly Housing Authority will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will be required to sign a statement to this effect. The City of Mt Holly Housing Authority will not require any individual who does not have a Social Security number to obtain a Social Security number.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they Shall be asked to certify to this fact and Shall have up to sixty (60) days to provide the verification. If the individual is at least 62

years of age, they will be given one hundred and twenty (120) days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

12.5 TIMING OF VERIFICATION

Verification information must be dated within ninety (90) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update all information related to family circumstances and level of assistance. (or, the Housing Authority will only verify and update those elements reported to have changed.)

12.6 FREQUENCY OF OBTAINING VERIFICATION

For each family member, citizenship/eligible non-citizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible non-citizen status will be verified.

For each family member age 6 and above, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

13.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

13.1 FAMILY CHOICE

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the income method or having their rent set at the flat rent amount.

- A. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo.
- B. Families who opt for the flat rent may request to have a reexamination and return to the formula based method at any time for any of the following

reasons:

1. The family's income has decreased.
2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.

13.2 THE INCOME METHOD

The total tenant payment is equal to the greater of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or
- C. If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this provision is the amount resulting from one application of the percentage; or
- D. The minimum rent of \$ 0.

13.3 MINIMUM RENT

The City of Mt Holly Housing Authority has set the minimum rent at \$0. However if the family requests a hardship exemption, the City of Mt Holly Housing Authority will immediately suspend the minimum rent for the family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:
 1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
 2. When the family would be evicted as a result of the imposition of the minimum rent requirement;

3. When the income of the family has decreased because of changed circumstances, including loss of employment;
 4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
 5. When a death has occurred in the family.
- B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with the Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
- D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

13.4 THE FLAT RENT

The City of Mt Holly Housing Authority has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The City of Mt Holly Housing Authority determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family (for more information on flat rents, see Section 15.3).

The City of Mt Holly Housing Authority will post the flat rents at each of the developments and at the central office and are incorporated in this policy upon approval by the Board of Commissioners.

13.5 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

A mixed family will receive full continuation of assistance if all of the following conditions are met:

- A. The family was receiving assistance on June 19, 1995;
- B. The family was granted continuation of assistance before November 29, 1996;
- C. The family's head or spouse has eligible immigration status; and
- D. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

If a mixed family qualifies for prorated assistance, but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is eighteen (18) months. The City of Mt Holly Housing Authority will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, the City of Mt Holly Housing Authority will provide additional search periods up to the maximum time allowable.

Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

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

- A. Determine the 95th percentile of gross rents (tenant rent plus utility allowance) for the City of Mt Holly Housing Authority. The 95th percentile is called the maximum rent.
- B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
- C. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.

- D. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

13.6 UTILITY ALLOWANCE

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

The utility allowance will be subtracted from the family's income rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the Housing Authority of Atlantic Beach. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belongs to the tenant and will be applied to the utility bill (Company) of the client choice. .

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.

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

Requests for relief from surcharges for excess consumption of Housing Authority purchased utilities or from payment of utility supplier billings in excess of the utility allowance for tenant-paid utility costs may be granted by the Housing Authority on reasonable grounds. Requests shall be granted to families that include an elderly member or a member with disabilities. Requests by the family shall be submitted under the Reasonable Accommodation Policy. Families shall be advised of their

right to individual relief at admission to public housing and at time of utility allowance changes.

13.7 PAYING RENT

Rent and other charges are due and payable on the first day of the month. All rents should be paid by mail or hand delivered to the City of Mt Holly Housing Authority, 635 Noles Drive, Mt Holly, NC, unless otherwise specified. Reasonable accommodations for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment. A grace period until the seventh (7th) day of the month is given each resident. If the seventh (7th) day of the month falls on a weekend or holiday, payment is due on the next business day. Residents who do not pay their rent by 5:00 p.m. on the seventh (7th) day of the month will be sent a Notice of Termination in accordance with the terms of their Lease.

If the rent is not paid by the tenth (10th) of the month, a Notice to Vacate will be issued to the tenant. In addition, a \$15.00 late charge will be assessed to the tenant. If rent is paid by a personal check and the check is returned for insufficient funds, personal checks will no longer be accepted by the Housing Authority for payment of rent and other charges. Payments thereafter; must be made by money order or certified checks only. Additionally, the resident will be considered late in payment of rent and will be charged the \$15.00 late fee.

Only money orders, personal checks, cashier's checks, or traveler's checks will be accepted for payment of rent and other charges. The City of Mt Holly Housing Authority will not accept cash or third party checks.

Mailed payments postmarked after the tenth (10th) business day of the month will be charged a \$15.00 late fee.

14.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE

14.1 GENERAL

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) within the jurisdictional are of the City of Mt Holly Housing Authority; or (2) participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self sufficiency and economic independence; or (3) a combination of the two; unless they meet at least one of the following exemptions. This is a requirement of the Public Housing Lease.

If the family's initial move-in date occurs between the first (1st) and fifteenth (15th) of the month, they must complete the eight (8) hours for the move-in month. If the initial move-in date occurs between the sixteenth (16h) and thirtieth

(30th) of the month, the family will be required to start the eight (8) hour requirement the month immediately following the month of move-in.

14.2 EXEMPTIONS

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

- A. Family members who are 62 or older.
- B. Family members who are blind or disabled as defined under 216(I)(1) or 1614 of the Social Security Act (42 U.S.C. 416 (I)(1) and who certifies that because of this disability she or he is unable to comply with the community service requirements.
- C. Is the primary care giver for someone who is blind or disabled as set forth in Paragraph B above.
- D. Is engaged in work activity.
- E. Is exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program
- F. Is receiving assistance, benefits or services under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to-work **and** is in compliance with that program

14.3 NOTIFICATION OF THE REQUIREMENT

The City of Mt Holly Housing Authority shall identify all adult family members who are apparently not exempt from the community service requirement.

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

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after 01/01/2001. For family's paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

14.4 VOLUNTEER OPPORTUNITIES

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

An economic self-sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. Eligible self sufficiency activities may include, but are not limited to:

- Job readiness programs;
- Job training programs;
- Skills training programs;
- Higher education (junior college or college);
- GED classes;
- Apprenticeships (formal or informal);
- Substance abuse or mental health counseling;
- English proficiency or literacy (reading) classes;
- Budgeting and credit counseling; and
- Carrying out any activity required by the Department of Public Assistance as part of welfare reform.

14.5 Eligible Community Service Activities

Eligible community service activities that can be performed include, but are not limited to:

- Work at a local public or non-profit institution, including but not limited to; school, Head Start, other before or after school programs, child care center, hospital, clinic, hospice, nursing home, recreation center, senior center, adult day care program, homeless shelter, feeding program, food bank (distributing either donated or commodity foods), or clothes closet (distributing donated clothing), etc;
- Work with a non-profit organization that serves Mt Holly Housing residents or their children, including but not limited to: Boy Scouts, Girl Scouts, Boys or Girls Club, 4-H Club, other children's recreation, mentoring, or education programs, Community clean-up programs, Beautification programs, etc;
- Work with any program funded under the Older Americans Act, including but not limited to: Green Thumb, Service Corps of Retired Executives, Senior meals programs, Senior Center, Meals on Wheels, etc;
- Work with any other public or non-profit youth or senior organizations;
- Work as an officer of a development or citywide resident organization;

- Work as a member of the Resident Advisory Committee;
- Helping neighborhood groups with special projects;
- Caring for the children of other residents so they may volunteer.

14.6 THE PROCESS

Upon admission or at the first annual reexamination on or after 01/01/2001, and each annual reexamination thereafter, the City of Mt Holly Housing Authority will do the following:

- Provide the family with a copy of the community service policy.
- Provide a volunteer certification sheet to the family member. Instructions for the certification sheet require the individual to complete the form and have a supervisor date and sign for each period of work.

14.7 Resident Responsibilities

- Provide documentation that they qualify for an exemption, if they claim to be exempt from the community service requirement and
- Sign a certification that they have received and read the policy and understand that if they are not exempt, failure to comply with the community service requirement will result in non-renewal of their lease.
- At each annual re-examination, non-exempt family members must present a completed documentation form (Mt Holly Housing Authority form) of activities performed over the previous twelve (12) months.
- If, during the twelve-month period, a non-exempt person becomes exempt, it is his/her responsibility to report this to the City of Mt Holly Housing Authority.
- If, during the twelve-month period, an exempt person becomes non-exempt, it is his/her responsibility to report this to the Mt Holly Housing Authority.

14.8 Change in Exempt/Non-Exempt Status

Any family member that reports an interim that occurs between the first (1st) and the fifteenth (15th) of the month and the reported interim now makes the family member **non-exempt**, the family member will be required to start the eight hour requirement for the month in which the change occurred.

Any family member that reports an interim that occurs between the sixteenth (16th) and the thirtieth (30th) of the month and the reported interim now makes the family member **non-exempt**, the family member will be required to start the

eight hour requirement for the month immediately following the month in which the change occurred.

Any family member that reports an interim that occurs between the first (1st) and the fifteenth (15th) of the month and the reported interim now makes the family member **exempt**, the family member will not be required to complete the eight hour requirement for the month in which the change occurred.

Any family member that reports an interim that occurs between the sixteenth (16th) and the thirty-first (31st) of the month and the reported interim now makes the family member **exempt**, the family member will be required to complete the eight hour requirement for the month in which the change occurred.

If at annual recertification it is determined that a family member is non-exempt, the family member will be required to complete the 8-hour requirement retroactive to the date the family member became non-exempt per the guidelines as outlined above.

If at annual recertification it is determined that a family member is now exempt, the family member's exempt status will be retroactive to the date the family member became exempt per the guidelines as outlined above.

14.9 Notification of Non-compliance with Community Service Requirement

At least thirty-(30) days before the annual reexamination and/or lease expiration, the City of Mt Holly Housing Authority will begin reviewing the exempt or non-exempt status and compliance of family members. If a family member is found to be in noncompliance, the City of Mt Holly Housing Authority will notify the family of the following:

- A. The family member(s) who have been determined to be in noncompliance;
- B. That, unless the non-compliant family member(s) **and the head of household** enter into a contract agreement to make up the deficient hours over the next twelve (12) month period, the lease will not be renewed and the entire family will have to vacate, **unless** the non-compliant member agrees to move out of the assisted unit;
- C. Failure to enter into a contract agreement to make up the deficient hours, will result in the lease will not be renewed and will be terminated unless the non-compliant member agrees to move out of the unit; and
- D. The determination is subject to the grievance procedure.

If at the next annual reexamination, the family member still is not compliant, the lease will not be renewed and the entire family will have to vacate, unless the non-compliant member agrees to move out of the unit.

The family may use the Grievance Policy to protest the lease termination.

14.10 OPPORTUNITY FOR CURE

The City of Mt Holly Housing Authority will offer the non-compliant family member(s) and the head of household the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with that year's community service requirement. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.

Upon execution of a contract agreement, the family(s) must present monthly documentation of activities performed.

If any applicable family member(s), or head of household, does not accept the terms of the agreement; does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service, the City of Mt Holly Housing Authority shall take action to terminate the lease.

14.11 PROHIBITION AGAINST REPLACEMENT OF AGENCY EMPLOYEES

In implementing the service requirement, the City of Mt Holly Housing Authority may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by its employees, or replace a job at any location where residents perform activities to satisfy the service requirement.

15.0 RECERTIFICATIONS

At least annually, the City of Mt Holly Housing Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine: (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size.

15.1 GENERAL

The City of Mt Holly Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or Income Method, and scheduling an appointment if they are currently paying a formula rent. If the family thinks they

may want to switch from a flat rent to a formula rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter also includes, for those families paying the Income Method, forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

During the appointment, the City of Mt Holly Housing Authority will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

15.2 MISSED APPOINTMENTS

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in the City of Mt Holly Housing Authority taking eviction actions against the family.

15.3 FLAT RENTS

The annual letter to flat rent payers regarding the reexamination process will state the following:

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.
- B. The amount of the flat rent
- C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income.
- D. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo.
- E. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons:
 - 1. The family's income has decreased.

2. The family's circumstances have changed, increasing their expenses for childcare, medical care, etc.
 3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.
- F. The dates upon which City of Mt Holly Housing Authority expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.
- G. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- H. A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, City of Mt Holly Housing Authority will send a reexamination letter to the family offering the choice between a flat or a formula rent. The opportunity to select the flat rent is available only at this time. At the appointment, the City of Mt Holly Housing Authority may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the City of Mt Holly Housing Authority representative, they may make the selection on the form and return the form to the City of Mt Holly Housing Authority. In such case, the City of Mt Holly Housing Authority cancel the appointment.

15.4 THE INCOME METHOD

During the interview, the family will provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of verification, the City of Mt Holly Housing Authority will determine the family's annual income and will calculate their rent as follows.

The total tenant payment is equal to the greater of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or
- C. The welfare rent.

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

15.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

The new rent will generally be effective upon the anniversary date with thirty (30) days notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

15.6 INTERIM REEXAMINATIONS

Interim changes that result in a reduction in tenant rent must be reported by the 20th day of the month, to be effective the first day of the month after the interim change is reported. Changes reported after the 20th day of the month will be effective the first day of the second month after the interim change is reported.

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

Families are required to report any increase in income or decreases in allowable expenses between annual reexaminations.

Families are required to report any increases or decreases in allowable expenses between annual reexaminations (i.e. childcare).

Families are required to report the following changes to the City of Mt Holly Housing Authority between regular reexaminations. If the family's rent is being determined under the Income Method, these changes will trigger an interim reexamination. The family shall report these changes within ten (10) days of their occurrence.

- A. A member has been added to the family through marriage, birth, adoption or custody awarded by a court or other government agency.(i.e. Department of Social Services: Kinship Agreement and/or Safety Agreement)
- B. A household member is leaving or has left the family unit.
- C. There is a change in HUD regulations requiring such a re-determination.

- D. To correct an error in connection with a previous rent determination.
- E. New or additional income including but not limited to; employment, TANF, social security or supplemental social security benefits, child support, etc.
- F. Decrease in income, increase in allowable expenses or their changes in family circumstances.
- G. If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income, to include employees of the school systems), or the City of Mt Holly Housing Authority believes that past income is the best available indicator of expected future income, the City of Mt Holly Housing Authority may annualize the income anticipated for a shorter period, subject to a re-determination at the end of the shorter period. The income of those who are hourly or salaried employee, whether employment is ten (10) or twelve (12) months will be calculated (annualized) for the period they are employed, whether that period is ten (10) or twelve (12) months.

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete a request stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The City of Mt Holly Housing Authority will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the Income Method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 15.8.

The City of Mt Holly Housing Authority will take timely action to process the interim reexamination and recalculate the tenant's rent.

15.7 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, the City of Mt Holly Housing Authority may schedule special

reexaminations every sixty (60) days until the income stabilizes and an annual income can be determined.

15.8 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

16.0 UNIT TRANSFERS

16.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To provide an incentive for families to assist in meeting the City of Mt Holly Housing Authority's de-concentration goal.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.

16.2 CATEGORIES OF TRANSFERS

Category A: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or

one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.

Category B: Immediate administrative transfers. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.

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

Category D: Transfer to the Family Self-Sufficiency (FSS) Program. These transfer would allow current residents of City of Mt Holly Housing Authority to transfer to Crossroads Place and be a participant in the Public Housing FSS Program.

16.3 DOCUMENTATION

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

16.4 INCENTIVE TRANSFERS

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

Families living in multifamily developments have the opportunity to transfer to scattered-site housing. Families approved for such transfers will meet the following eligibility criteria:

- A. Have been a tenant for three (3) years;
- B. For a minimum of one (1) year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least thirty-five (35) hours per week, the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities;
- C. Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or

for one year which ever is less;

- D. The family is current in the payment of all charges owed the City of Mt Holly Housing Authority and has not paid late rent for at least one year;
- E. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
- F. The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants or Housing Authority staff.
- G. Participates in a series of classes conducted by the City of Mt Holly Housing Authority on basic home and yard care.
- H. Criteria requirements for eligible FSS Participants:
 - 1. Must live in Public Housing for a period of no less than six (6) months.
 - 2. One family member must be working or in school (for higher learning).
 - 3. The family is current with payment of all charges owed Statesville Housing Authority and has not been late with his/her rent for the past six-(6) months minimum.
 - 4. Must be willing to set goals to reach self -sufficiency within the next five (5) years or less.
 - 5. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last six-(6) months.
 - 6. That eligible family members are current with all Community Services requirements.
 - 7. The family has not materially violated any terms of the Lease within the past six-(6) months.

16.5 PROCESSING TRANSFERS

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

Transfers in category A and B will be housed ahead of any other families, including those on the applicant waiting list. Transfers in category A will be housed ahead of transfers in category B.

Transfers in category C will be housed along with applicants for admission at a ratio of one transfer for every seven admissions.

Transfers in Category D will be a separate listing of current Public Housing Residents. Selection will be based on completion of Pre-Application approval, and Date and Time.

Upon offer and acceptance of a unit, the family will execute all lease-up documents.

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

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list. (example of good cause: health of the resident; proximity to work, school, etc.)
- B. If the transfer is being made at the request of the City of Mt Holly Housing Authority and the family rejects two offers without good cause, the City of Mt Holly Housing Authority will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the City of Mt Holly Housing Authority's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.
- C. If the transfer is being made at the family's request and the rejected offer provides de-concentration incentives, the family will maintain their place on the transfer list and will not otherwise be penalized.
- D. If the transfer is being made at the family's request, and they refuse a unit offer without good cause, the family's name will be removed from the transfer list.

16.6 COST OF THE FAMILY'S MOVE

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

- A. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;
- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
- D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

The cost of the transfer will be borne by the City of Mt Holly Housing Authority in the following circumstances:

- A. When the transfer is needed in order to carry out rehabilitation activities;
or
- B. When action or inaction by the City of Mt Holly Housing Authority has caused the unit to be unsafe or inhabitable.

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

16.7 TENANTS IN GOOD STANDING

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the City of Mt Holly Housing Authority. This means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must pass a housekeeping inspection. Damages to the unit will be repaired and the resident charged accordingly. Housekeeping conferences will be scheduled and attendance is mandatory. Within six (6) months a re-inspection will be performed, and if marked improvement is noted, and all classes attended, then the resident will be put back on the transfer list.

16.8 TRANSFER REQUESTS

A tenant may request a transfer at any time by completing a written request. In considering the request, the City of Mt Holly Housing Authority may request a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. The City of Mt Holly Housing Authority will review the request in a timely manner. If a meeting is desired, it shall contact the tenant within ten (10) business days of receipt of the request to schedule a meeting.

The City of Mt Holly Housing Authority will grant or deny the transfer request, in writing, within ten (10) business days of receiving the request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list. If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

16.9 RIGHT OF THE CITY OF MT HOLLY HOUSING AUTHORITY IN TRANSFER POLICY

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy will create

a property right or any other type of right for a tenant to transfer or refuse to transfer.

17.0 INSPECTIONS

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

17.1 MOVE-IN INSPECTIONS

The City of Mt Holly Housing Authority and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

17.2 SEMI - ANNUAL INSPECTIONS

The City of Mt Holly Housing Authority will inspect each public housing unit semi-annually to ensure that each unit meets the City of Mt Holly Housing Authority's housing quality standards. Work orders will be submitted and completed to correct any deficiencies, and the family charged for any damages, other than normal wear and tear.

17.3 PREVENTATIVE MAINTENANCE INSPECTIONS

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

17.4 SPECIAL INSPECTIONS

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the City of Mt Holly Housing Authority.

17.5 HOUSEKEEPING INSPECTIONS

Generally, other than semi-annual inspection, or at times as necessary, the City of Mt Holly Housing Authority will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

17.6 NOTICE OF INSPECTION

For inspections defined as semi-annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections the City of Mt Holly Housing Authority will give the tenant at least two (2) days written notice.

17.7 EMERGENCY INSPECTIONS

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

17.8 PRE-MOVE-OUT INSPECTIONS

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

17.9 MOVE-OUT INSPECTIONS

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

18.0 PET POLICY

18.1 EXCLUSIONS

This policy does not apply to animals that are used to assist persons with disabilities. Assistance animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and

associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

18.2 *PET POLICY*

Please review the entire Pet Policy, located at the end of this document before the glossary.

19.0 REPAYMENT AGREEMENTS

When a resident owes the City of Mt Holly Housing Authority back charges and is unable to pay the balance by the due date, the resident may request that the City of Mt Holly Housing Authority allow them to enter into a Repayment Agreement. The City of Mt Holly Housing Authority has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures.

Note: If the housing authority has a minimum rent greater than \$0, they must allow for repayment agreements for those tenants whose rental amount is the minimum rent and who have had their rent abated for a temporary period.

Former residents who wish to rent from the City of Mt Holly Housing Authority and owe the Housing Authority or other Housing Authority money from previous residency must pay the indebtedness in full before final eligibility can be processed by the Housing Authority.

20.0 TERMINATION

20.1 *TERMINATION BY TENANT*

After the initial term of the lease, the tenant may terminate the lease at any time upon giving the housing authority fourteen (14) days written notice.

20.2 *TERMINATION BY THE HOUSING AUTHORITY*

The City of Mt Holly Housing Authority after 01/01/2001 will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

The City of Mt Holly Housing Authority will terminate the lease for serious or repeated violations of material lease terms. Such violations include but are not limited to the following:

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments, four (4) times in a calendar year;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- j. Any drug-related and/or violent criminal activity on or off the premises. This includes but is not limited to the manufacture of methamphetamines on or off the premises of the City of Mt Holly Housing Authority;
- K. Non-compliance with Non-Citizen Rule requirements;
- L. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Authority; and
- M. Acts of destruction, defacement, removal or removal of any part of the smoke detector, to include, but not limited to the batteries;
- N. Blocking of emergency exits, to include, but not limited to, the only window in a room.
- O. Other good cause.

The City of Mt Holly Housing Authority will take immediate action to evict any household that includes an individual who is subject to a registration requirement under a State sex offender registration program.

Upon the City of Mt Holly Housing Authority receiving possession of the dwelling unit after an eviction for criminal activity, the housing authority will notify the local post office serving the dwelling unit, in writing, that the individual or family is no longer residing in the unit.

Violence against Women Act 2005

Continued Occupancy:

Definitions:

The term **domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Gaston County.

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

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

The term **stalking** means:

- To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate
- To place under surveillance with the intent to kill, injure, harass, or intimidate another person
- 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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person

The term **immediate family** member means, with respect to a person:

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

- Any other person living in the household of that person and related to that person by blood or marriage

The City of Mt Holly Housing Authority will not evict/terminate assistance to an otherwise qualified participant on the basis that the participant is a victim of domestic violence, dating violence, or stalking. The participant will be required to provide certification of such violence through copies of a police report(s), restraining order, court records relating to the violence, victim service provider (such as Catherine's House), attorney or medical professional from whom the victim has sought assistance in addressing the actual or threatened abuse.

Any participant who the Housing Authority is seeking to evict/terminate assistance can assert that she/he falls under the domestic violence exception by notifying the authority office in writing within 14 days of receipt of the notice. If stated, the individual must provide the HUD approved certification form within 14 business days after a written request. The individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in questions or stated are bona fide incidents of such actual or threatened abuse. Such certification shall include the name of the perpetrator.

If not, provided within stated period, the housing authority will complete the eviction/termination of assistance process.

Participants were notified by mass mailing of the notice, as well required to sign the VAWA notice form at Annual Recertification time.

Extension of time will only be granted if requested in writing by person(s) with a Disability as a reasonable accommodation. Request must be made before period expires.

20.3 ABSENCE FROM UNIT

Absence means that no family member is residing in the unit. Reporting changes in the family composition is required by the City of Mt Holly Housing Authority and the Department of HUD. The family is required to report to the Housing Authority if the family will be absent from the unit for more than 30 consecutive days. The resident is required to notify the Housing Authority before moving from the unit, and to furnish information regarding any absent family member. Any household member will be considered permanently absent if away from the unit for 90 consecutive days.

The family may be absent from the unit for short periods of time, but if absent from the unit for a period of more than 180 consecutive calendar days, the unit will be considered to have been vacated and the assistance will be terminated.

The family must supply any information or certification requested by the Housing Authority to verify that the family is living in the unit, or relating to family absence from the unit, including any Housing Authority requested information or certification on the purposes of family absences. The family must cooperate with the Housing Authority for this purpose, and must promptly notify the Housing Authority of any absence from the unit in accordance with this policy.

Absences due to hospitalization or sickness by a family member will be verified. If it is determined that the family member will return home within 90 days, the family will not be considered permanently absent, provided the family's share of the monthly rent and other charges payable by the family continue to be paid. However, if there is no chance of the family member returning to the unit within 90 days, the family member will be considered permanently absent, and if this family member is the sole member of the household, housing assistance will be terminated.

Absences due to family vacations or other reasons that are longer than 30 days must be approved by the Housing Authority in writing. Absences for more than 180 consecutive days due to being in a drug treatment center or imprisonment will be considered permanently absent. The Housing Authority will make a determination as to whether the imprisonment was due to drug-related or violent criminal activity and will be handled on a case-by-case basis and a determination made by the Housing Authority after review of each particular circumstance.

If parent or both parents are absent from the household and a caretaker has been placed in the home by the courts or an approved placement agency such as Social Services, the caretaker will be considered a visitor for the first 30 days by the Housing Authority. After meeting all eligibility and admissions requirements, the Lease will be transferred to the caretaker if the court has awarded custody or legal guardianship to the caretaker by the end of the thirty (30) day period. The caretaker will be allowed to remain in the unit as a visitor, until the court makes a determination of custody. The income of the caretaker will be counted pending a final disposition of the custody award.

If a resident family includes a child or children absent from the home temporarily due to placement in foster care, the Housing Authority will determine from the appropriate agency when and if the child(ren) will be returned home. If the time period is more than 180 days or the child(ren) have been removed permanently, the name(s) of the absent child(ren) will be removed and the rent re-determined.

An adult child who goes into the military service and leaves the household will be considered permanently absent.

Any household member who is subject to a court order restricting the household member from the home for more than 180 days will be considered permanently absent.

The family may choose whether to consider a full time student (other than head or spouse), who attends school away from home but lives with the family during school recesses, temporarily or permanently absent. If the family chooses the full time student to be permanently absent, the student will not be included on the lease, income of the student will not be included in total income, and the student will not be included in determining unit size for the family.

A person with a disability, requesting an extension of time as an accommodation, will be granted the extension as long as the extension is within the 180 calendar day limit.

An adult family member who leaves the household, for any reason, will be determined permanently absent upon verification by the Housing Authority. The change in family composition must be reported to the Housing Authority within ten (10) calendar days in accordance with procedures outlined in the plan.

The Housing Authority will use various techniques to verify family occupancy or absence, including letters to the family at the unit, the post office, phone calls, visits or inquiries to neighbors and the landlord. All inquiries will be documented in the files.

VISITORS are permitted by residents, provided they are reported to the Housing Authority within 72 hours of their arrival or prior to arrival. The Housing Authority may authorize visits that do not exceed fourteen (14) days in any one calendar year. Visitors remaining beyond this period shall be considered trespassers and the family head would be guilty of a breach of the Lease. The family must prove to the Housing Authority that the person is a visitor. In the absence of such proof, the person will be considered an unauthorized family member and assistance will be terminated, due to the family not obtaining prior approval for the additional family member.

In accordance with the Lease, roomers and lodgers shall not be permitted to occupy a unit, nor shall they be permitted to move in with any family occupying a Housing Authority unit. Violation of this provision is grounds for Lease termination.

Residents of the Housing Authority will not be given permission to allow a former resident of the Housing Authority who has been evicted to occupy the unit for any period of time. Violation of this requirement is grounds for Lease termination.

A minor will be considered an eligible visitor and not a family member if in the household for less than 182 days per calendar year in a joint custody arrangement.

College students and minors who were part of the family but now live away from home during the school year, and are not considered household members may visit for up to 90 days per calendar year without being considered a household member during semester/school breaks.

20.4 RETURN OF SECURITY DEPOSIT

After a family moves out, the City of Mt Holly Housing Authority will return the security deposit within thirty (30) days from the vacate date or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

If State law requires the payment of interest on security deposits, it shall be complied with.

The City of Mt Holly Housing Authority will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 30 days.

GLOSSARY

50058 Form: The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations.

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

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611)

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head.

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

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

Annual Income: All amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

Applicant (applicant family): A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

As-Paid States: States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid States are New Hampshire, New York, Oregon, and Vermont.

Assets: The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see "net family assets.")

Asset Income: Income received from assets held by family members. If assets total more than \$5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income. (See "imputed asset income" below.)

Assistance applicant: A family or individual that seeks admission to the public housing program.

Ceiling Rent: Maximum rent allowed for some units in public housing projects.

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

Child: For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

Citizen: A citizen or national of the United States. (24 CFR 5.504(b))

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

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

Covered Families: Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

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

Department: The Department of Housing and Urban Development. (24 CFR 5.100)

Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

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

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

Disability Assistance Expense Allowance: In determining adjusted annual income, the amount of disability assistance expenses deducted from annual income for families with a disabled household member.

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

Disabled Person: See "person with disabilities."

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

Displaced Person: A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. [1937 Act]

Drug-Related Criminal Activity: Drug trafficking or the illegal use, or possession of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Economic self-sufficiency program: Any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, work-first, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Elderly Family: A family whose head, spouse, or sole member is a person who is at least 62 years of age; two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides. (24 CFR 5.403)

Elderly Family Allowance: For elderly families, an allowance of \$400 is deducted from the household's annual income in determining adjusted annual income.

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

Extremely low-income families: Those families whose incomes do not exceed 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

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

Family includes but is not limited to:

- A. A family with or without children;
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family; and
- G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

Family Members: All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the Income Method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

Full-Time Student: A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution

attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

Good Cause: Death or illness of a member of the immediate family

Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

Household Members: All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

Housing Assistance Plan: A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

Immediate Family Member: Persons listed on the application or lease.

Imputed Income: For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

Imputed welfare income: The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

In-Kind Payments: Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

Income Method: A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the income method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

Interim (examination): A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

Live-In Aide: A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities and who:

- A. Is determined to be essential to the care and well being of the persons;
- B. Is not obligated for the support of the persons; and

- C. Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b))

Low-Income Families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. (1937Act)

Medical Expenses: Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for a service animals, transportation for medical purposes.

Mixed Family: A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b))

Mixed population development: A public housing development, or portion of a development, that was reserved for elderly and disabled families at its inception (and has retained that character). If the development was not so reserved at its inception, the PHA has obtained HUD approval to give preference in tenant selection for all units in the development (or portion of development) to elderly families and disabled families. These developments were formerly known as elderly projects.

Monthly Adjusted Income: One twelfth of adjusted income. (24 CFR 5.603(d))

Monthly Income: One twelfth of annual income. (24 CFR 5.603(d))

National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. (24 CFR 5.504(b))

Near-Elderly Family: A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b))

Net Family Assets:

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of

necessary items of personal property such as furniture and automobiles Shall be excluded.

- B. 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.
- C. In determining net family assets, housing authorities or owners, as applicable, Shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefrom. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

Non-Citizen: A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

Occupancy Standards: The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Participant: A family or individual that is assisted by the public housing program.

Person with Disabilities: A person who:

- A. Has a disability as defined in 42 U.S.C. 423
- B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:
 - 1. Is expected to be of long-continued and indefinite duration;
 - 2. Substantially impedes his or her ability to live independently; and
 - 3. Is of such a nature that such ability could be improved by more suitable housing conditions, or
- C. Has a developmental disability as defined in 42 U.S.C. 6001.

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

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

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

Processing Entity: The person or entity that is responsible for making eligibility and related determinations and an income reexamination. In the Section 8 and public housing programs, the processing entity is the responsibility entity.

Pro-ration of Assistance: The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR 5.520)

Public Housing: Housing assisted under the 1937 Act, other than under Section 8, Public housing includes dwelling units in a mixed-finance project that are assisted by a PHA with capital or operating funds.

Public Housing Agency (PHA): Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

Re-certification: The annual reexamination of a family's income, expenses, and composition to determine the family's rent.

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left, who is at least eighteen (18) years of age, emancipated or minor(s) who have a care-provider. (Handbook 7565.1 REV-2, 3-5b.)

Responsible Entity:

- A. For the public housing program, the Section 8 tenant-based assistance program (24 CFR 982), and the Section 8 project-based certificate or voucher program (24 CFR 983), and the Section 8 moderate rehabilitation program (24 CFR 882), responsible entity means the PHA administering the program under an ACC with HUD;

- B. For all other Section 8 programs, responsible entity means the Section 8 project owner.

Self-Declaration: A type of verification statement by the tenant as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

Shelter Allowance: That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

Single Person: Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing: Handbook 7465.1 REV-2, 3-5)

Specified Welfare Benefit Reduction:

- A. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
- B. “Specified welfare benefit reduction” does not include a reduction or termination of welfare benefits by the welfare agency:
 - 1. at the expiration of a lifetime or other time limit on the payment of welfare benefits;
 - 2. because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
 - 3. because a family member has not complied with other welfare agency requirements.

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

Temporary Assistance to Needy Families (TANF): The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

Tenant: The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

Tenant Rent: The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the housing authority and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d))

Third-Party (verification): Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

Total Tenant Payment (TTP):

- A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:
 - 1. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of :
 - a. 30% of the family's monthly adjusted income;
 - b. 10% of the family's monthly income; or
 - c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) Shall be the amount resulting from one application of the percentage.

- 2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
- B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

Utility Allowance: If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by a housing authority of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24 CFR 5.603)

Utility Reimbursement: The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (24 CFR 5.603)

Very Low-Income Families: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31).

45 CFR 260.31 defines the term "assistance" to include cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

It includes such benefits even when they are:

- A. Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and
- B. Conditioned on participation in work experience or community service (or any other work activity under 45 CFR 261.30).

Except where excluded later in this definition, it also includes supportive services such as; transportation and childcare provided to families who are not employed.

The term "assistance" excludes:

- A. Non-recurrent, short-term benefits that:

1. Are designed to deal with a specific crisis situation or episode of need;
 2. Are not intended to meet recurrent or ongoing needs; and
 3. Will not extend beyond four months.
- B. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
- C. Supportive services such as child care and transportation provided to families who are employed;
- D. Refundable earned income tax credits;
- E. Contributions to, and distributions from, Individual Development Accounts;
- F. Services such as counseling, case management, peer support, childcare information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
- G. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(K) of the Act, to an individual who is not otherwise receiving assistance.

Welfare Rent: In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

ACRONYMS

ACC	Annual Contributions Contract
CFR	Code of Federal Regulations
EIV	Enterprise Income Verification
FSS	Family Self Sufficiency (program)
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PHA	Public Housing Agency
QHWR	Quality Housing and Work Responsibility Act of 1998
SSA	Social Security Administration
TTP	Total Tenant Payment
TASS	Tennant Assessment Subsystem
UIV	Up-Front Income Verification System

Appendix I

Income Limits and De-concentration Worksheet

Development Name	Number of Units Under ACC	Number of Occupied Units	Number of Units Occupied by Very Poor Families	% Occupied by Very Poor Families

%Very Poor in

Census Tract

Target Number

Number needed of below 30% of median area income

Number needed above 30% of median area income

Waiting list number of families Appendix 2