

ADMISSIONS AND CONTINUED OCCUPANCY POLICY
FOR THE
NORTH WILKESBORO HOUSING AUTHORITY
PUBLIC HOUSING PROGRAM

SEPTEMBER 2004

Revision Date	

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Submitted to HUD:

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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Public Housing Program was created by the U.S. Housing Act of 1937. Administration of the Public Housing Program and the functions and responsibilities of the Public Housing Authority (PHA) staff shall be in compliance with the PHA's Personnel Policy, **[any union agreements of the PHA,]** and this Admissions and Continued Occupancy Policy. The administration of this PHA's housing program will also meet the requirements of the Department of Housing and Urban Development. Such requirements include any Public Housing Regulations, Handbooks, and applicable Notices. All applicable Federal, State and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable federal laws or regulations shall supersede provisions in conflict with this policy. Federal regulations shall include those found in Volume 24 CFR, Parts 1, 5, 8, 100 and 900-966 (Code of Federal Regulations).

*A. HOUSING AUTHORITY MISSION STATEMENT [OR HISTORICAL INFORMATION ON THE AGENCY]

- It is the mission of the North Wilkesboro Housing Authority, hereinafter referred to as NWhA or PHA, ^{to provide} drug free, decent, safe and sanitary housing for eligible families and to provide opportunities promoting self-sufficiency and economic independence for residents.
- It is the intent of the NWhA to maintain the Agency in a status of “high performer” public housing whereby the NWhA is referred to as “housing of choice” versus “housing of last resort”.

B. LOCAL OBJECTIVES

This Admissions and Continued Occupancy Plan for the Public Housing Program is designed to demonstrate that the PHA is managing its program in a manner that reflects its commitment to improving the quality of housing available to its public, and its capacity to manage that housing in a manner that demonstrates its responsibility to the public trust. In addition, this Admissions and Continued Occupancy Policy is designed to achieve the following objectives:

- * To provide improved living conditions for very low and low income families while maintaining their rent payments at an affordable level.
- * To operate a socially and financially sound public housing agency that provides decent, safe, and sanitary housing within a drug free, suitable living environment for tenants and their families.
- * To avoid concentrations of economically and socially deprived families in any one

or all of the PHA's public housing developments.

*** To lawfully deny the admission of applicants, or the continued occupancy of residents, whose habits and practices reasonably may be expected to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood, or create a danger to PHA employees.**

*** To attempt to house a tenant body in each development that is composed of families with a broad range of incomes and rent-paying abilities that are representative of the range of incomes of low-income families in the PHA's jurisdiction.**

*** To provide opportunities for upward mobility for families who desire to achieve self-sufficiency.**

*** To facilitate the judicious management of the PHA inventory, and the efficient management of the PHA staff.**

*** To ensure compliance with Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations so that the admissions and continued occupancy are conducted without regard to race, color, religion, creed, sex, national origin, handicap or familial status.**

C. PURPOSE OF THE POLICY

The purpose of this Admissions and Continued Occupancy Policy (ACOP) is to establish guidelines for the Public Housing Authority (PHA) staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements of the Department of Housing and Urban Development (HUD) with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and the PHA.

The PHA Board of Commissioners must approve the original policy and any changes. Required portions of this Plan will be provided to HUD.

D. FAIR HOUSING POLICY

It is the policy of the Housing Authority to comply fully with all Federal, State and local nondiscrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The PHA will comply with all laws relating to Civil Rights, including:

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

The PHA shall not discriminate because of race, color, sex, religion, familial status, disability, national origin, **[marital status]**, **[or sexual orientation]** in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under the PHA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

Posters and housing information are displayed in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.

*** To further its commitment to full compliance with applicable Civil Rights laws, the PHA will provide Federal/State/local information to public housing residents regarding "discrimination" and any recourse available to them if they believe they are victims of discrimination. Such information will be made available to them during the resident orientation session.**

The PHA's **housing developments of Skyview Village and Riverview Heights** are accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD telephone service provider.

The PHA shall not, on account of race, color, sex, religion, familial status, disability, national origin, **[marital status, or] [sexual orientation]**:

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

Provide housing that is different from that provided to others;

Subject a person to segregation or disparate treatment;

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

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

Deny a person access to the same level of services.

The PHA shall not automatically deny admission to a particular group or category of otherwise qualified applicants (e.g., families with children born to unmarried parents, elderly families with pets).

E. SERVICE AND ACCOMMODATIONS POLICY

*** It is the policy of the North Wilkesboro Housing Authority to provide courteous and efficient service to all applicants for housing assistance. In that regard, the PHA will endeavor to accommodate persons with disabilities, as well as those persons with language and literacy barriers.**

This policy is applicable to all situations described in this Admissions and Continued Occupancy Policy when a family initiates contact with the PHA, when the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind.

*** It is the policy of this PHA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to the families within our jurisdiction.**

The PHA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The availability of specific accommodations will be made known by including notices on PHA forms and letters to all families, and all requests will be verified so that the PHA can properly accommodate the need presented by the disability.

Federal Americans with Disabilities Act of 1990

With respect to an individual, the term "disability," as defined by the 1990 Act means:

A physical or mental impairment that substantially limits one or more of the major life activities of an individual; or

A record of such impairment, or

Being regarded as having such impairment.

Undue Hardship

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an "undue financial and administrative burden" for the PHA, meaning an action requiring "significant difficulty or expense."

In determining whether accommodation would create an undue hardship, the following guidelines will apply:

The nature and cost of the accommodation needed;

The overall current financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and

The number of persons currently employed at such facility, the number of families likely currently to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation.

Verification of a Request for Accommodation

All requests for accommodation or modification of a unit will be verified with a reliable, knowledgeable, professional.

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability.

*** The PHA will require verification from a knowledgeable professional when a request for a home visit recertification is submitted.**

Reasonable Accommodation

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All PHA mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Application Process

For purposes of this section, the **North Wilkesboro Housing Authority** will make the following types of accommodations to persons with disabilities to facilitate the application process:

- *Permitting the submission of applications or certification forms via mail.**
- *Permitting an authorized designee to participate in the application or certification process.**
- * Providing any and all of the following: [assisted listening devices/ a certified sign language interpreter/ a Braille interpreter/other] to facilitate the application or certification process.**

Recertification by Mail

- * The PHA will permit the family to submit annual and interim recertification forms through the mail, when the PHA has determined that the request is necessary as a reasonable accommodation.**
- * The mail-in packet will include notice to the family of the PHA's deadline for returning the completed forms to the PHA.**
- * If there is more than one adult member in the household, but only one is disabled, recertifications will not be processed through the mail. In such cases, [the family may choose to have the PHA conduct the recertification by a home visit or to have] the able adult family members come in for the appointment and then take the necessary forms home to the member with a disability for completion and signature.**

Home Visits

* When requested and where the need for reasonable accommodation has been established, the PHA will conduct home visits to residents to conduct annual and interim recertifications.

* Requests for home visit recertifications must be received by the PHA at least ⁷[number] days before the scheduled appointment date in order for the request to be considered.

* The PHA will consider home visit recertifications which are requested after the scheduled appointment has been missed, according to the number of allowed rescheduled appointments noted in the chapter on Recertifications.

* The PHA will not consider home visit recertifications that are requested after the scheduled appointment has been missed.

Other Accommodations

* The Housing Authority utilizes organizations that provide assistance for hearing- and sight-impaired persons when needed.

* Families will be offered an accessible unit, upon request by the family, when an accessible unit is available.

* The PHA will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities.

F. TRANSLATION OF DOCUMENTS

*** The Housing Authority does not have bilingual staff to assist non-English speaking families but and will consider providing translation of PHA documents into other languages upon request by an applicant or tenant.**

In determining whether it is feasible to translate documents into other languages, the PHA will consider the following factors:

- * Number of families in North Wilkesboro who do not speak English and speak the other language.**
- * Estimated cost to the PHA per client of translation of English written documents into the other language.**
- * Evaluation of the need for translation by the bi-lingual staff and by agencies that work with the non-English speaking clients.**
- * The availability of local organizations to provide translation services to non-English speaking families.**

***G. LANGUAGE ASSISTANCE**

*** The [North Wilkesboro Housing Authority] will provide readers to assist persons with literacy barriers in completing the application and certification process.**

*** The [North Wilkesboro Housing Authority] will refer persons with literacy barriers to appropriate community literacy programs for assistance with the completion of the application and certification process.**

*** H. PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS) OBJECTIVES**

[24 CFR 901 & 902]

***The PHA operates its public housing program with efficiency and can demonstrate to HUD or independent auditors that the PHA is using its resources in a manner that reflects its commitment to quality and service. The PHA policies and practices are consistent with the new Public Housing Assessment System (PHAS) outlined in the 24 CFR Parts 901 and 902 final published regulations.**

***The PHA is continuously assessing its program and consistently strives to make improvements. The PHA acknowledges that its performance ratings are important to sustaining its capacity to maintain flexibility and authority. The PHA intends to diligently manage its current program operations and continuously make efforts to be in full compliance with PHAS. The policies and procedures of this program are established so that the standards set forth by PHAS are demonstrated and can be objectively reviewed by an auditor whose purpose is to evaluate performance.**

I. FAMILY OUTREACH

The PHA will publicize and disseminate information to make known the availability of housing units and housing-related services for very low income families on a regular basis.

The PHA will communicate the status of housing availability to other service providers in the community. The PHA will advise them of housing eligibility factors and guidelines in order that they can make proper referrals for those who seek housing.

***When the PHA's waiting list is open, the PHA will periodically publicize the availability and nature of housing assistance for very low income and low income families in a newspaper of general circulation, including local minority publications and other suitable means.**

***Notices will be provided in Spanish and other languages upon request.**

***To reach persons who cannot read the newspapers, the PHA will distribute fact sheets to the broadcast media and utilize public service announcements.**

J. PRIVACY RIGHTS

Applicants and participants, including all adults in their households, are required to sign the form HUD-9886, "Authorization for Release of Information and Privacy Act Notice." This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The PHA's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information.

Any and all information that would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential." The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the staff person designated by the Executive Director.

***The PHA's practices and procedures are designed to safeguard the privacy of applicants and tenants.**

***Files will never be left unattended or placed in common areas.**

***PHA staff will not discuss or access family information contained in files unless there is a business reason to do so. Staff will be required to disclose whether s/he has relatives living in Public Housing. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.**

K. POSTING OF REQUIRED INFORMATION

The PHA will maintain a bulletin board in a conspicuous area of the [lobby of the central office] that will contain:

Statement of policies and procedures governing Admissions and Continued Occupancy Policy (ACOP) or a notice of where the policy is available

*** A notice of where the PHA 5-year Plan and PHA Annual Plan are available**

Information on application taking

Directory of the PHA's housing sites including names, address of offices and office hours at each facility.

Income limits for Admission

Current schedule of routine maintenance charges

A copy of the lease

The PHA's grievance procedures

A Fair Housing Poster

An Equal Opportunity in Employment poster

Current Resident Notices

Required public notices

*** Security Deposit Charges**

*** Information on preferences**

*** Schedule of Utility Allowances (if applicable)**

*** Information on Screening and Eviction for Drug Abuse and other Criminal Activity.**

*** Site developments will maintain a bulletin board in a conspicuous place which will contain:**

Tenant Selection policies (960.202 and 960.203)

Information on application taking

Income limits for admission

Current schedule of maintenance charges

Copy of lease

PHA's grievance procedures

Fair Housing poster

Equal Opportunity in Employment poster

Current Resident Notices

*** Security Deposit charges**

*** Zero Tolerance Policy (sexual harassment)**

*** Fraud Hotline Information**

*** Mission Statement**

*** Information on Screening and Eviction for Drug Abuse and Other Criminal Activity.**

L. TERMINOLOGY

The Housing Authority of **North Wilkesboro** is referred to as "NWA", "PHA" or "Housing Authority" or "HA" throughout this document.

"Family" is used interchangeably with "Applicant," "Resident" or "Participant" or and can refer to a single-person family.

"Tenant" is used to refer to participants in terms of their relation as a lessee to the PHA as the landlord.

"Landlord" refers to the PHA.

"Disability" is used where "handicap" was formerly used.

"Noncitizens Rule" refers to the regulation effective June 19, 1995, restricting assistance to U.S. citizens and eligible immigrants.

See Glossary for other terminology.

Reserved

Chapter 2

ELIGIBILITY FOR ADMISSION

[24 CFR Part 960, Subpart B]

INTRODUCTION

This Chapter defines both HUD's and the PHA's criteria for admission and denial of admission to the program. The policy of this PHA is to strive for objectivity and consistency in applying these criteria to evaluate the qualifications of families who apply. The PHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the PHA pertaining to their eligibility.

A. QUALIFICATION FOR ADMISSION

It is the PHA's policy to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

Is a family as defined in this Chapter;

Heads a household where at least one member of the household is either a citizen or eligible non-citizen. (24 CFR Part 5, Subpart E).

Has an Annual Income at the time of admission that does not exceed the **low** income limit for occupancy established by HUD and posted separately in the PHA offices.

[INSTRUCTION: The Quality Housing and Work Responsibility Act of 1998 authorizes PHAs to admit families whose income does not exceed the low-income limit (80% of median area income) once the PHA has met the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income).]

Provides a Social Security number for all family members, age 6 or older, or will provide written certification that they do not have Social Security numbers;

Meets or exceeds the tenant Selection and Suitability Criteria as set forth in this policy.
***[including the attendance and successful completion of the PHA's pre-occupancy class].**

Timing for the Verification of Qualifying Factors

*** The qualifying factors of eligibility will not be verified until the family is in a position on the waiting list to be offered a housing unit.**

*** The qualifying factors of eligibility [other than citizenship status,] will be verified when the family is placed on the waiting list.**

B. FAMILY COMPOSITION

Definition of Family

The applicant must qualify as a Family. A Family may be a single person or a group of persons. *[Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law. For occupancy standards purposes, the applicant may claim a spousal relationship] (see chapter on Occupancy Guidelines.)

*** A group of persons is defined by the PHA as two or more persons who intend to share residency whose income and resources are available to meet the family's needs, and will live together in PHA housing.**

Elderly, disabled, and displaced families are defined by HUD in CFR 5.403.

The term "Family" also includes, but is not limited to:

A family with or without children;

An elderly family;

A disabled family;

A displaced family;

The remaining member of a tenant family;

A single person who is not elderly, displaced, or a person with disabilities, or the remaining member of a tenant family;

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

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

The temporary absence of a child from the home due to placement in foster care shall not be considered in determining the family composition and family size.