

# The New Reidsville Housing Authority

## Public Housing Admissions and Continued Occupancy Policy (ACOP)

Revised May 2010

Public Housing Admissions and Continued Occupancy Policy (ACOP)

**THE NEW REIDSVILLE HOUSING AUTHORITY  
ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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## SECTION I INTRODUCTION

### 1. Mission Statement

The Mission of the New Reidsville Housing Authority (PHA) is to provide eligible families and individuals with decent, safe, sanitary, drug-free housing, plus, economic advancement opportunities in a suitable environment without discrimination.

In order to achieve this mission, we will:

- Recognize residents as our ultimate customer;
- Improve Public Housing Authority (PHA) management and service delivery efforts through effective and efficient management of PHA staff;
- Seek problem-solving partnerships with residents, community, and government leadership;
- Apply PHA resources, to the effective and efficient management and operation of public housing programs, taking into account changes in Federal funding.

### 2. Purpose of Policy

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

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

### 3. Primary Responsibilities of the PHA

- A. Informing eligible families of the availability of public housing assistance;
- B. Determining and posting annually the utility allowances;
- C. Receiving applications from families and determining their eligibility for assistance;
- D. Inspecting Public Housing units to determine that they meet or exceed Housing Quality Standards;
- E. Approving leases;
- F. Collecting rent on a monthly basis from tenants;
- G. Annual re-examinations of income, family composition and re-determination of rent;
- H. Authorizing and processing evictions; and
- I. Ongoing maintenance and modernization of the public housing inventory.

### 4. Objectives: - The objectives of this policy are to:

A. Promote the overall goal of drug free, decent, safe and sanitary housing by:

1. Insuring a social and economic mix of residents within each public housing neighborhood in order to foster social stability and upward mobility.

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2. Insuring the fiscal stability of the PHA.
  3. Lawfully denying admission or continued occupancy to applicants or tenants whose presence in a public housing neighborhood are likely to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood or create a danger to PHA employees.
- B. Facilitate the efficient management of the PHA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the PHA inventory and staff.
- C. Comply in letter and spirit with Title VI of the Civil Rights Act of 1964, and all other applicable Federal laws and regulations to insure that admission to and continued occupancy in public housing are conducted without regard to race, color, religion, creed, sex, national origin, handicap, or familial status.

### **5. Outreach**

Outreach - As much information as possible about Public housing may be disseminated through local media (newspaper, Radio, television, etc.). For those who call the PHA Office, the staff may be available to convey essential information.

The PHA may hold meetings with local social community agencies.

The PHA may make known to the public, through publications in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families. The notice shall inform such families where they may apply for Public Housing. The PHA shall take affirmative actions to provide opportunities to participate in the program to persons who because of such factors as race, ethnicity, and sex of household, age, or source of income, are less likely to apply for Public Housing. When there is a Local Housing Plan pursuant to Section 24 CFR, Part 91 (Comprehensive Housing Affordability Strategy (CHAS)), the PHA planned programs will be incorporated in the CHAS.

## **SECTION II FAIR HOUSING POLICY**

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

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

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

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

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

The 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, or families whose head or spouse is a student). Each applicant in a particular group or category must be treated on an individual basis in the normal processing routine.

The PHA will identify and eliminate situations or procedures that create a barrier to equal housing opportunities for all. In accordance with Section 504, and the Fair Housing Amendments Act of 1988, the PHA will make structural modifications to its housing and non-housing facilities, make reasonable accommodations, or combinations of the two, to permit people with disabilities to take full advantage of the housing program.

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

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

In making reasonable accommodations or structural modifications for otherwise qualified persons with disabilities, the PHA is not required to:

- Make each of its-existing facilities accessible, or make structural alterative when other methods can be demonstrated to achieve the same effect.
- Make structural alterations that require the removal or altering of a load-bearing member.
- Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level.
- Take any action that would result in a fundamental alteration in the nature of the program.

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The PHA will not permit these policies to be subverted to do personal or political favors.

### **SECTION III            DECONCENTRATION PLAN**

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

Deconcentration will be achieved by bringing higher income tenants to lower income building and lower income tenants into higher income buildings.

The PHA will annually determine the average income of all families residing in all its general occupancy buildings to determine buildings that have an average income higher than the PHA average (to be designated "higher income buildings"), and which buildings have an average income lower than the PHA average (to be designated "lower income buildings").

Families on the waiting list will be designated "higher income families", and "lower income families".

When a unit becomes available for occupancy in a higher or lower designated building, the PHA will skip families on the waiting list if necessary to reach the "higher/lower" family that is needed for that building. If the waiting list does not contain a family in the income category to whom the unit is to be offered, the PHA may offer a unit to a family in another income category.

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

#### **Extremely Low Income**

Not more than 30% of the area's median income

#### **Very Low Income**

More than 30% but not more than 50% of the area's median income.

#### **Lower Income**

More than 50% but not more than 80% of the area's median income.

#### **Over-income**

More than 80% of the area's median income.

The area's median income shall be defined by HUD, adjusted for family size and is subject to periodic change. The PHA shall categorize each applicant for assistance for all programs in the same manner as presented above.

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

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

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

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

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

Documents intended for use by applicants and residents will be made available in formats accessible for those with vision or hearing impairments. The documents shall be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. If required by local law, documents will be translated into languages other than English.

Because some of the concepts that must be described relative to eligibility, rent computation, applicant screening, reasonable accommodation, and lease compliance are complicated, PHA staff will help applicants and residents understand the issues involved by using examples during their verbal explanations.

At the point of initial contact the PHA staff will ask all applicants whether they need some form of communication other than plain language paperwork. Alternative forms of communication might include: sign language interpretation, having materials explained orally by the staff, either in person or by phone, large type materials, information on tape, and having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials.

Some applicants will not be able to read (or to read English), so intake staff will be able to read and explain anything that they would normally hand to an applicant to be read or filled out. Applicants who do not read, or understand little English may furnish an interpreter who can explain what is going on. If paid accessibility professionals are used, the PHA must pay for such services.

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

- Marketing and informational materials
- Information about the application process
- The Application Form
- All form letters, notices, to applicants and residents
- General statement about reasonable accommodation
- Orientation materials for new residents. The Lease and house rules (if any)
- Guidance or instructions about care of the housing unit
- Information about opening, updating or closing the waiting list
- All information related to applicant's rights (informal hearing, etc.)

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### **SECTION V                    PRIVACY RIGHTS**

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

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

### **SECTION VI                    DEFINITIONS OF TERMS**

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

**1. Annual Income** - means all amounts, monetary, or other values which:

A. Go to or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

C. Which are not specifically excluded.

D. Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

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

c. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorize~ in this section. Any withdrawal of cash or assets from an investment will be included in income, except to the 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 \$5000 annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

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,

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including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as otherwise provided in this policy);

e. Payments in lieu of earnings such as unemployment and disability compensation, worker's compensation and severance pay (except as otherwise provided in this policy);

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

g. All regular pay, special pay and allowances of a member of the Armed Forces (except as otherwise provided in this policy)

**2. Adjusted Family Income** - Adjusted Family Income is the income on which total tenant payment is to be based and means the Total Annual Income less the following allowances:

A. A deduction of \$480.00 for each member of the family (other than head of household or spouse) who is (1) seventeen (17) years of age or younger or (2) who is eighteen (18) years of age and a verified full-time student or is disabled or handicapped according to this Section.

B. A deduction of \$400.00 for elderly family whose head, spouse or sole member is sixty-two (62) years of age or older and/or is handicapped or disabled according to this Section.

C. The sum of the following, to the extent the sum exceeds three percent of annual income:

(1) Un-reimbursed medical expenses of any elderly family or disabled family;

(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 of auxiliary apparatus;

D. Child Care Expenses: Amounts anticipated to be paid by the Family for care of children under 13 years of age during the period for which Annual income is computed, but only where such care is necessary to enable a Family member to actively seek employment, be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The reasonable amount of charges is determined by the PHA, by conducting surveys of local child care providers.

E. Earned income of Full-Time Student: All earned income of a full-time student with the exclusion of the first \$480.

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

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

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- 4. BREAK-INS** - Break-ins mean bona fide attempts at burglary which are reported to the police department and are subject to verification by written police reports furnished by the tenant(s).
- 5. CHILD** - A member of the family, other than the family head or spouse, who is under 18 years of age.
- 6. CHILD CARE EXPENSES** - Child Care Expenses are amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. In the case of child care necessary to permit employment, the amount deducted must be verified and reflect reasonable charges and shall not exceed the amount of income received from such employment. The PHA will not normally determine child care expenses as necessary when the household contains an additional unemployed adult who is physically capable of caring for the children. An example of an exception may be an unemployed adult that is not capable of caring for a child because of some type of disability and/or handicap. The head of household must document the disability/handicap that prevents the adult from providing child care.
- 7. CHILD CUSTODY** - An applicant/occupant family who does not have full custody of a child/children may only claim a child as a dependent by the following:
  - A. The applicant/occupant must have primary custody of the child.
  - B. The applicant/occupant must provide sufficient evidence that if the applicant were admitted to public housing the child would reside with the applicant. The same child cannot be claimed by more than one applicant (i.e., counted more than once in order to make two (2) singles eligible).
- 8. CITIZEN** - A citizen or national of the United States.
- 9. COMMUNITY SERVICE** - Every adult member of a family residing in public housing will be required to perform eight (8) hours of community service each month, or participate in a self-sufficiency program for at least eight (8) hours every month. This requirement does not apply to elderly persons, disabled person, persons already working, persons exempted from work requirements under State welfare to work programs, or persons receiving assistance under a State program that have not been found to be in noncompliance with such a program.

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

- 62 years of age;
- Is a blind or disabled individual, as defined under 216(i)(I) or 1614 of the Social Security Act (42. V.S.C. 416(i)(1) 1382c, and who certifies that because of this disability she or he is unable to comply with the service provisions of this subpart, or
- Is a primary caretaker of such individual.
- Is engaged in work activities.
- Meets the requirements for being exempt from having to engage in a work activity under the State program funded under part A of Title N of the Social Security Act (42. V.S.C. 601 et seq.) Or

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under any other welfare program of the State in which the HA is located, including a State-administered welfare-to-work program; or

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

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

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

**10. DEPENDENT** - A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. An unborn child shall not be considered a dependent.

**11. DISABLED PERSON** - A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

A person with disabilities means a person who:

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

The PHA may verify a person's disability only to the extent necessary to ensure that applicants are qualified for the housing for which they are applying; that applicants are qualified for deductions used in determining adjusted income; that applicants are entitled to any preference they may claim; and that applicants who have requested a reasonable accommodation. A PHA may not require applicants to

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provide access to confidential medical records in order to verify a disability nor may the PHA require specific details as to the disability. The PHA may not ask what the specific disability is.

**12. DISABILITY ASSISTANCE EXPENSE** - Reasonable expenses that are anticipated, during the period for which Total Annual Family Income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

**13. DISPLACED FAMILY** - A family in which each member, or whose sole member, is a person displaced by government action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

**14. ECONOMIC SELF-SUFFICIENCY PROGRAM** - Any program designed to encourage assist, train, or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, employment training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (including a substance abuse or mental health treatment program), or other work activities.

**15. ELDERLY FAMILY** - A family whose head or spouse or whose sole member is at least sixty -two (62) years of age. It may include two or more persons who are at least 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.

**16. ELDERLY PERSON** - A person who is at least sixty-two (62) years of age.

**17. EXTREMELY LOW INCOME FAMILY** - A family whose annual income doesn't exceed thirty percent (30%) of the median income for the area, as determined by HUD. At least 40% of the admissions to the Public Housing Program in each fiscal year must be extremely low-income.

**18. EVIDENCE OF CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS** - The documents which must be submitted to evidence citizenship or eligible immigration status.

**19. FAMILIAL STATUS** -A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy (unit size) the same as single persons, and are only entitled to a one bedroom unit. Once the child is born and/or the custody is obtained, the family will qualify for a two bedroom unit and authorized to transfer as outlined in the Transfer Section.

**20. FAMILY** - The term "Family" as used in this policy means:

Two or more persons related by blood, marriage, adoption, guardianship or operation of law or, two or more persons who are not related but, who will live together in a stable relationship and share resources. By definition, a family must contain a competent adult of at least 18 years of age, or if under the age of 18 years is married or has been declared emancipated by court order.

A family with or without children. A child who is temporarily away from home due to placement in foster care should be considered a member of the family in determining family composition and family size.

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An elderly family, which is defined as a family whose head, co-head, spouse, or sole member is at least 62 years of age; or two or more persons, each of whom are at least 62, living together; or one or more persons who are at least 62 living with one or more live-in aides.

A disabled family, which is a family whose head, co-head, or sole member is a person with disabilities; or two or more persons with disabilities or one or more persons with disabilities with one or more live-in aides.

Live-In Aides may also be considered part of the applicant family's household. However, live-in aides are not considered family members and have no rights of tenancy or continued occupancy.

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

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

### **21. FEDERALLY-MANDATED INCOME EXCLUSIONS**

A. Value of allotment provided to an eligible household under the Food Stamp Act of 1977.

B. Payments under the Domestic Volunteer Services Act of 1973 are excluded. These programs include:

1. VISTA - Volunteers in Service to America
2. RSVP - Retired Senior Volunteer Program
3. Foster Grandparents
4. Senior Companions Programs

C. Payments or allowances made under the Department of Health and Human Services Low-income Home Energy Assistance Program.

D. Payments received under the programs funded in whole or in part under the Job Training Partnership Act (JTPA).

E. Americorps Living Allowance (this falls under JTPS).

F. Indian Settlements/Trusts

- Payments received under the Maine Indian Claim Settlement Act of 1980.(pub. L 98-420,94 Stat. 1785
- Income derived from the disposition of funds of the Grand River Bank of Ottawa Indians.
- The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commissions or the Grant of Claims or from funds held in trust for an Indian tribe by the Secretary of the Interior.

G. Title IV of the Higher Education Act of 1965- Amounts of scholarships funded under Title IV, including awards under the Federal Work Study Program or under the Bureau of Indian Affairs Student Assistance.

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H. Agent Orange Settlements - Payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation, M.D.L. No.382 (E.D.N.Y.).

I. Child Care and Development Block Grant Act of 1990 - The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990.

J. Earned Income Tax Credit Refunds

K. Title V of the Older Americans Act

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

This program is administered by national contractors such as:

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

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

Even if there is 90% federal and 10% local funding, 100% of the income funded through Title V is excluded.

**22. FLAT RENTS** - The New Reidsville Housing Authority (PHA) has established flat rents at the current Fair Market Rents (FMR) as established by HUD.

Families selecting the flat rent may have their income reviewed every three years. In the event their annual income decreases they may report the change to request a review. (Refer to Appendix 1).

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

**23. FOSTER CHILDREN** - With the prior written consent of the PHA, a foster child may reside on the premises. The factors considered by the PHA in determining whether or not consent is granted may include:

A. Whether the addition of a new occupant may require a transfer of the family to another unit, and whether such units are available.

B. The PHA's obligation to make reasonable accommodation for handicapped persons.

**24. FULL-TIME STUDENT** - A member of a family (other than the head of household or spouse) who is carrying a subject load which is considered full-time for day students under the standards and practices of

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the educational institution attended. An educational institution includes a vocational school with diploma or certificate program, as well as an institution offering a college degree. Verification will be supplied by the attended educational institution.

**25. HANDICAPPED INDIVIDUAL** - A person having 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.

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

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

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

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

"Is regarded as having an impairment" means":

Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;

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

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

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

**27. HEAD OF HOUSEHOLD** - The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.

**28. HOUSING QUALITY STANDARDS (HQS)** - Standards for safe and habitable housing established by Department of Housing and Urban Development and the Housing Authority. The PHA will maintain public housing units in compliance with HQS standards that meet or exceed HQS.

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

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

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

At the request of the PHA, the welfare agency will inform the PHA 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 PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular reexamination of family income and composition during the term of the welfare benefits reduction (as specified in information provided to the PHA by the welfare agency).

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

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

**30. INCOME EXCLUSIONS** - Income does not include such temporary, nonrecurring or sporadic income as 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 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.

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- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- H. Amounts received under training programs funded by }{UD.
1. 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)
  2. Amounts received by a participant in other publicly assisted programs which are specifically for or to reimbursement of out-of-pocket expenses incurred (special equipment, clothing transportation, child care, etc.) And which are made solely to allow participation in a specific program.
  3. 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 PHA 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 initiatives coordination and, a tenant serving as a member of the PHA's Governing Board. No resident may receive more than one such stipend during the same period of time.
  4. 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.
- I. Temporary, nonrecurring or sporadic income (including gifts).
- J. 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.
- K. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse).
- L. Adoption assistance payments in excess of \$480 per adopted child.
- M. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
- N. 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.
- O. 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.
- P. Amounts specially excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the

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Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

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

**32. INFANT** - A child under the age of two years

**33. INTERTM REDETERMINATION OF RENT** - Changes of rent between admissions and re-examinations and the next succeeding re-examination.

**34. INS** - The U S Immigration and Naturalization Service

**35. LIVE-IN-AIDE** - A person who resides with an elderly, a near elderly person, or a person with disabilities, and who:

A. Is determined by the PHA to be essential to the care and well-being of an elderly person, a near elderly person or a person with disabilities.

B. Is not obligated for support of the person(s).

C. Would not be living in the unit except to provide supportive services. The income of a Live-in aide that meets these requirements is not included as income to the tenant family.

- Relatives aren't automatically excluded from being live-in aides, but they must meet all of the elements for live-in aide described above. They must also sign a statement prior to moving in relinquishing all rights to the unit as the remaining member of a resident family.
- A Live-In-Aide will be required to meet PHA's screening requirements with respect to past behavior especially:
- A record of disturbance of neighbors, destruction of property, or living or~ housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors;
- Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity which would adversely affect the health safety, or welfare of other residents or~ staff or cause damage to the unit or the development; and
- A record of eviction from housing or termination from residential programs.

D. Live-in aides are not subject to the Non-Citizen Rule requirements.

E. Live-in aides may not be considered as a remaining member of the tenant family.

F. Family members of a live-in attendant may also reside in the unit providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the live-in's family members does not overcrowd the unit.

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G. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled.

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

**36. LOWER INCOME FAMILY** - a Family whose Annual Income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD.

**37. MEDICAL EXPENSE** - Those necessary medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. Medical expenses, in excess of three percent (3%) of Annual Income, are deductible from income by elderly families only.

**38. MILITARY SERVICE** - Military Service means the active military service of the

United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and, since July 29, 1945, the commissioned corps of the United States Public Health Service.

**39. MINIMUM RENT** - The minimum rent for public housing families will be \$0 per month and will remain at that level unless otherwise changed by the Board of Commissioners.

**40. MINOR** - A “minor” is a person under eighteen years of age. Provided, that a person under eighteen years of age and has been declared “emancipated” by court action shall not be considered a minor. (An unborn child may not be counted as a minor).

**41. MIXED FAMILY** - A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

**42. MONTHLY ADJUSTED INCOME** - One-twelfth of Adjusted Annual Income.

**43. MONTHLY INCOME** - One twelfth of Annual Income. For purpose of determining priorities based on an applicant’s rent as a percentage of family income, family income is the same as monthly income.

**44. 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.

**45. NEAR ELDERLY** - A family whose head or spouse or “sole member” is at least fifty years of age, but below the age of sixty-two.

**46. NET FAMILY ASSETS** - Net Family Assets means the net cash value after deducting reasonable costs that would be incurred in disposing of real property, checking and savings accounts, stocks, bonds, cash on hand, and other forms of capital investment, excluding interest in Indian trust land and excluding equity accounts in HUD home ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.) In determining Net

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Family Assets, this PHA shall include the value of any business or family assets disposed of by an applicant or Tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or Tenant received important consideration not measurable in dollar terms.

**47. OVERINCOME FAMILY** - A Family whose annual income is more than eighty percent (80%) of the median income for the area, as determined by HUD.

**48. NONCITIZEN** - A person who is neither a citizen nor national of the United States.

**49. PET POLICY** - A resident may own or have present, a common household pet in accordance with the Pet Policy established by the New Reidsville Housing Authority. (Refer to Appendix 2).

**50. PHASE-IN PERIOD OF NEWLY EMPLOYED INCOME.** There will be a two-year phase-in period in any rent increases for a newly employed family member. This phase-in applies when incomes of newly employed family members, (and have been unemployed for at least one year) increases and there is a resulting increase in rent and their rental contribution. For the initial 12-month period, the family's rent will not be increased. For the second 12-month period, the family's rent can be increased by the amount representing up to 50 percent of the total rent increase normally applicable in the absence of this provision. In the third year, the balance of the rent increase can be phased in.

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

The disallowance of increased income of an individual family member is limited to a lifetime 48 month period. It only applies for a maximum of twelve months for 100 percent disallowance and a maximum of twelve months for 50 percent disallowance during the 48 month period starting from the initial exclusion.

**51. PUBLIC HOUSING AUTHORITY (PHA)** - Any State, County, Municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development of operation of housing for lower income families.

**52. RECERTIFICATION** - Recertification is sometimes called reexamination. The process of securing documentation which indicates that tenants meet the eligibility requirements for continued occupancy.

**53. RE-EXAMINATION DATE** - The date on which any rent change is effective or would be effective if required as a result of the annual re-examination of eligibility rent. The re-examination date is the anniversary date of admission.

**54. REMAINING MEMBER OF THE RESIDENT FAMILY** - The person(s) of legal age remaining in the public housing unit after the person(s) who signed the lease has (have) left the premises, other than by eviction, who may or may not normally qualify for assistance on their own circumstances. An individual must occupy the public housing unit to which he claims head of household status for one year before becoming eligible for subsidized housing as a remaining family member. This person must

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complete forms necessary for housing within ten days from the departure of the leaseholder and may remain in the unit for a reasonable time pending the verification and grievance process. This person must, upon satisfactory completion of the verification process, then execute a new lease and cure any monetary obligations in order to remain in the unit.

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

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

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

Families choosing the flat rent may have their incomes reviewed every three years. In the event a family's income decreases due to financial hardship, tenants may elect to pay an income-based rent because the higher flat rent is no longer affordable.

**56. SINGLE PERSON** - A person who lives alone, or intends to live alone, and who does not qualify as an elderly family, or a displaced person, or as the remaining member of a Tenant family.

**57. SPOUSE** - A spouse is the legal husband or wife of the head of the household.

**58. TANF** - Temporary Assistance to Needy families.

**59. TEMPORARILY ABSENT FAMILY MEMBERS** - Any person(s) on the lease that is not living in the household for a period of more than thirty (30) days is considered temporarily absent.

**60. TENANT RENT** - The amount payable monthly by the Family as rent to the PEA. Where all utilities (gas, water and electricity) are supplied by the PEA, Tenant Rent equals Total Tenant Payment or minimum rent.

**61. TOTAL ANNUAL FAMILY INCOME** - Total Annual Family Income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period

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following the effective date of initial determination or re-examination of income, exclusive of certain other types of income specified in this policy.

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

- A. The full amount, before any payroll deduction, of wages and salaries, and overtime pay, including compensation for personal services (such as commissions, fees, tips and bonuses):
- B. Net income from the operation of a business or profession. (Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining Net Income.) An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or other assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
- C. Interest dividends and other net income of any kind from real or personal property. (For this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property). An allowance for depreciation is permitted only as authorized in Paragraph B of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has Net Family Assets in excess of \$5,000.00, the total annual income shall include the greater of the actual income derived from all net family assets or, a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.
- D. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefit and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment; **(Excluding lump sum supplemental security income (SSI) and Lump Sum Social Security Benefits (SS))**
- E. Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and severance pay.
- F. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts, including amounts received from any persons not residing in the dwelling, If the payments actually received are different than the determined amount, rent can be adjusted in accordance with the dwelling lease.
- G. All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances for dependents, etc.) received by a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other family member whose dependents are residing in the unit. Exclude the special hazardous duty pay when exposed to hostile fire.

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H. Payments to the head of the household for support of a minor or payments nominally to a minor for his support but controlled for his benefit by the head of the household or a resident member other than the head, who is responsible for his support.

I. Veterans Administration compensation (Service Connected Disability or Death Benefits).

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

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

Unreported Income: If a tenant fails to report income the tenancy may be terminated under the terms of the PHA's lease. If the unreported income was unintentional by the tenant the tenant will be billed for the amount due the PHA and the amount will be payable within fourteen (14) days. If the payment cannot be made in one payment, the tenant may request the PHA to approve a repayment schedule. Any repayment agreement must be in writing and signed by the Tenant and a PHA representative.

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

- (1) 30 percent of family adjusted income;
- (2) 10 percent of family monthly income;
- (3) The flat rent. The resident may elect the flat rent in lieu of the rent calculated in the paragraph above. (For Flat Rent see paragraph 22).

**63. TRESPASSING POLICY**- (See Appendix 4).

**64. UTILITIES** - Utilities may include water, electricity, gas, other heating refrigeration and cooking, fuels, trash collection, and sewerage.

In the event the Family exceeds the utility usage allowed by the PHA, the family will be charged for the excess usage. **Telephone and cable television service is not a utility.**

**65. VERY LOW-INCOME FAMILY** - A very low-income Family means a family whose annual income does not exceed fifty (50%) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families., as determined by the Department of Housing and Urban Development.

**66. VEHICLE PARKING STICKER** - Policy for resident parking. (See Appendix 3)

**67. WAGE EARNER** - a person in a gainful activity who received any wages. Said wages or pay covers all types of employee compensation including salaries, vacation allowance, tips, bonuses, commissions and unemployment compensation. The terms "Wage Earner" and "Worker" are used interchangeably.

**68. 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.

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**SECTION VII. APPLICATIONS AND OTHER REQUIRED FORMS**

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

The PHA will be open to take applications at 924 Third Ave., Reidsville, North Carolina, 27230. Applications will be accepted during the following schedule:

Monday	1:00 – 4:00 PM
Tuesday	9:00 – 11:30 AM
Wednesday	1:00 – 4:00 PM
Thursday	9:00 – 11:30 AM

Individuals who have a physical impairment which would prevent them from completing an application in person may call the PHA to make special arrangements to complete their application. A telecommunication Device for the Deaf (TDD) (336-349-1080) is available for the deaf.

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

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

2. **Closing of Application Taking** - If the PHA is taking applications, the PHA may suspend the taking of applications if the waiting list is such that additional applicants would not be able to occupy a public housing unit within the next 12 months period. Application taking may be suspended by the bedroom size, if applicable. The PHA will make known to the public through publication in a newspaper of general circulation, and other suitable means the fact that applications for public housing units are being suspended.

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

3. **Opening of Application Taking** - When the PHA decides to start taking applications, the waiting list may be opened by bedroom size.

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

The Notice must contain the following:

A. The PHA will publish the date applications will be accepted and the location where applications can be completed. If the PHA anticipated suspending the taking of applications after a period of time, the date of acceptance and closing of applications must be published.

B. Briefly describe the Public Housing program.

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C. State that applicants for Public Housing must specifically apply for the Public Housing Units and that applicants for Public Housing may also apply for the Section 8 Program, if applicable, and they will not lose their place on the Public Housing waiting list if they also apply for Section 8 assistance. **(For this to be applicable the PHA must be accepting applications for Section 8 assistance).**

D. To reach persons who cannot read the newspapers, the PHA will distribute fact sheets to the broadcasting media.

### **SECTION VIII. APPLICANT SCREENING/SELECTION CRITERIA**

In cooperation with local, State, and Federal law enforcement officials and court the PHA conducts extensive screening of applicants prior to providing assistance. Such screening includes; reviewing police and court records, credit payments history, and landlord references, checking with probation officers, and local social service providers. Such screening will be conducted for all household members 18 years of age or older to ascertain past drug or criminal activity.

The New Reidsville Housing Authority (PHA) will admit as residents to its low-rent development, (if the size unit is available, and the applicant is at the top of the waiting list for that size unit) applicants who at the time of admission, meet all of the following requirements:

- (1) Who qualify as a family as defined by the PHA in this policy
- (2) Whose Annual Income does not exceed the applicable Income Limits for admission as established by the Department of Housing and Urban Development.
- (3) Whose family composition conforms to the occupancy standards which are appropriate to the vacant unit.
- (4) Whose past performance in meeting financial obligations, especially rent, is satisfactory.
- (5) Who have no record of the disturbance of neighbors, destruction of property, living or housekeeping habits prior residences which would adversely affect the health, safety or welfare of other residents or the community.
- (6) Who have no history of criminal activity involving crimes of physical violence to persons or property, or criminal acts which would adversely affect the health, safety or welfare of other residents of the community.
- (7) Who are at least 18 years of age or older. If under the age of 18 the applicant must submit proof of emancipation.
- (8) Who does not owe rent or other charges to any PHA or to any Section 8 Program. If the applicant owes any PHA money from previous occupancy (Move-out balance debt), this debt must be paid prior to applicant's Application being approved for housing.

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(9) Who have not had their lease terminated by the PHA within the past 5 year period, for reasons other than nonpayment of rent and/or other charges. After the five year period has elapsed, applications will be reviewed by the Executive Director or his designee prior to approval.

(10) Who provides a Social Security number for all family members, age 6 or older, or can document and certify that they do not have a Social Security number

(11) No family member has committed drug-related criminal activity, or violent criminal activity during the past five (5) years.

(12) Who are citizens or non-citizens who have eligible immigration status in one of the following categories:

(1) A non-citizen lawfully admitted for permanent residence, as defined by section 101(a)(20) of Immigration and Nationality Act (INA), as an immigrant, as defined by section 101(a)(15), of the INA (8 D.S.C. 1101(a)(20) and 1101(a)(15), respectively (immigrants). This INA (8 D.S.C. 1160 or 1161), (Special agricultural worker) who has been granted lawful temporary resident status);

(2) A non-citizen who entered the U.S. before January 1, 1972, or such later date as enacted by law, and has continuously maintained residence in the U.S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under section 249 of the (INA)(8 U.S.C. 1259);

(3) A non-citizen who is lawfully present in the U.S. pursuant to an admission under section 207 of the INA (9 U.S.C. 1157) (refugee status); pursuant to the granting of asylum (which has not been terminated) under section 208 of the INA (8 U.S.C.1158) (asylum status); or as a result of being granted conditional entry under section 203 (a) (7) of the INA (8U.S.C. 1153(a)(7) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion, or because of being uprooted by catastrophic national calamity;

(4) A non-citizen who is lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest under section 212(d)(5) of the INA (8 U.S.C.1182(2)(5) (parole status);

(5) A non-citizen who is lawfully present in the U.S. as a result of the Attorney General's withholding deportation under section 2543(h) of the INA(8 U.S.C. 1253(h) (threat to life or freedom; or

(6) A non-citizen lawfully admitted for temporary or permanent residence under section 245A of the INA ( 8 U.S.C. 1255A) (amnesty granted under INA 245A)

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

1. All applicants must demonstrate through an assessment of current and past behavior of the ability.

(a) to pay rent and other charges as required by the lease in a timely manner;

(b) to care for and avoid damaging the unit and common areas;

(c) to use facilities and equipment in a reasonable way;

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- (d) to create no health, or safety hazards, and to report maintenance needs;
- (e) not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
- (f) not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff; and not to engage in drug-related criminal activity on or off the premises;
- (g) to comply with necessary and reasonable rules and program requirements of HUD and the PHA;
- (h) to comply with health and safety codes.

2. The PHA will determine the applicants ability to comply with essential lease requirements.

(a) Applicant ability and willingness to comply with the essential lease requirements will be determined in accordance with PHA's applicant screening. Information to be considered in completing applicant screening shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application, in present and prior housing.

(b) The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:

(i) Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;

(ii) Adversely affect the physical environment or financial stability of the project;

(iii) Violate the terms and conditions of the lease;

(iv) Require services from PHA staff that would alter the fundamental nature of PHA's program.

(c) PHA will conduct a detailed interview of all applicants using an interview checklist. The checklist is part of the screening procedures used in support of this policy.

(d) Payment of funds owed to any PHA is part of the screening evaluation. Payment of outstanding balances is an opportunity for the applicant to demonstrate an improved track record. Any balance owed to any PHA for any program must be paid in full prior to the applicant being determined eligible for assistance.

(e) PHA will complete a criminal background check on all applicants including other family members 18 years of age and older.

(f) All applicants are required to attend a pre-occupancy interview.

(g) PHA's examination of relevant information regarding past and current habits or practices will include, but is not limited to, an assessment of:

(i) The applicants past performance in meeting financial obligations, especially rent.

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

The PHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated once the purpose for which it was requested is accomplished. Once the purpose has been accomplished these records will be destroyed.

### 3. Screening applicants who claim mitigating circumstances.

- (a) If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. To be factored into PHA's screening assessment of the applicant, mitigating circumstances must be verified.
- (b) Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which when verified, would indicate both:
  - (1) The reason for the unsuitable rental history and/or behavior;
  - (2) That the reason for the unsuitable rental history and behavior is no longer in effect or is under control, and applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.
- (c) If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, PHA shall have the right to refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. PHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquires will be limited to the information necessary to verify the mitigating circumstance or, in the case of a person with disabilities to verify a reasonable accommodation.

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(d) Examples of mitigating circumstances might include:

(i) Evidence of successful rehabilitation;

(ii) Evidence of the applicant family's participation in social service or other appropriate counseling service.

(iii) Evidence of successful and sustained modification of previous disqualifying behavior.

(e) Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. PHA will consider such circumstances in light of:

(i) The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and

(ii) The applicant's overall performance with respect to all the screening requirements; and

(iii) The nature and seriousness of any criminal activity, especially drug-related criminal activity that appears on the applicant's record.

### 4. Qualified and Unqualified Applicants

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

(i) Eligibility of the applicant as a family;

(ii) Eligibility of the applicant with respect to income limits for admission;

(iii) Eligibility of the applicant with respect to citizenship;

(iv) Unit size required for the family;

(v) Preference category (if any) to which the family is entitled;

(vi) Qualification of the applicant with respect to the Applicant Selection Criteria.

(b) Families determined to be qualified will be notified by the PHA of the approximate date of occupancy insofar as that date can be reasonably determined. However, the date given by the PHA does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by the PHA, such turnover rate, and market demands as they affect bedroom sizes and project location.

(c) Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both INS and PHA procedures.

(d) PHA will make every effort to accurately estimate an approximate date of occupancy. However, the date given by the PHA does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by the PHA, such as turnover rates, and market demands as they affect bedroom sizes and project location.

(e) Applicants determined ineligible, he/she will be so informed and the reasons stated in writing. The applicant will be granted ten (10) days from the date stated on the ineligible letter to request an informal hearing. The applicant may bring any person he/she wishes to represent them at the informal hearing. The request for an informal hearing shall be submitted either orally or in writing and received by the PHA within the time frame established by the PHA for the hearing.

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### **SECTION IX DENIAL OR TERMINATION OF ASSISTANCE**

The PHA may deny or terminate assistance for a family because of the family's action or failure to act. This section describes when the PHA is required to deny or terminate assistance, and the PHA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance.

#### **Mandatory Denial and Termination**

The PHA must deny admission for an applicant, or terminate assistance for a participant, if any member of the family fails to sign and submit consent forms for obtaining information in accordance with the federal regulations.

The family must submit required evidence of citizenship or eligible immigration status. The PHA must deny admissions because at least one family member does not establish citizenship or eligible immigration status.

The PHA must deny assistance if the applicant's family annual income exceeds the income limit for a family of that size.

The PHA must deny assistance or terminate the assistance if any family member has been convicted of drug-related criminal activity for methamphetamine production on the premises of federally assisted housing.

The PHA must deny admission or terminate assistance if any household member is subject to a lifetime registration requirement under a State sex offender registration.

The PHA must deny admission of an applicant if any household member has been evicted from federally assisted housing for drug-related criminal activity for a period of three years from the date of eviction.

The PHA must deny admission if the PHA determines that any household member is currently engaging in illegal drug use.

If the PHA has reasonable cause to believe that any household member's use or pattern of illegal drug use may threaten the health, safety or right to peaceful enjoyment of the premises by other residents, the PHA must deny admission of the family.

The PHA must deny admission if it has cause to believe that any household member's abuse or pattern of abuse of alcohol may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.

#### **Grounds for Denial or Termination of Assistance**

The PHA may at any time deny assistance for an applicant, or terminate assistance for a participant, for any of the following reasons:

- Any member of the family has been evicted from federally assisted housing during the past five (5) years.

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- The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- The family breaches an agreement with a PHA to pay amounts owed to a PHA.
- The family has engaged in or threatened abusive or violent behavior toward PHA personnel.
  - "Abusive or violent behavior towards PHA personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.
  - Actual physical abuse or violence will always be cause for termination.
  - "Threatening" refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.

If the PHA has determined a family member to be abusing alcohol in a manner which will interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

If any family member has committed fraud, bribery, or any other corrupt or criminal activity related to any federal program.

If any family member has committed drug-related criminal activity, or violent criminal activity during the past five (5) years.

If the PHA seeks to deny or terminate assistance because of illegal use, or possession for personal use, of controlled substance, such use or possession must have occurred within one year before the date that the PHA provided notice to the family of the PHA determination to deny or terminate assistance. The PHA may not deny or terminate assistance for such use or possession by a family member, if the family can demonstrate that he/she:

Has an addiction to a controlled substance, has a record of such impairment, or is regarded as having such an impairment; and

Is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances. The PHA may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

In determining whether to deny or terminate assistance based on drug-related criminal activity or violent criminal activity, the PHA may deny or terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

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**NOTE**

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

**NOTE**

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

If an applicant is denied admission, the PHA will notify the applicant, in writing, of its determination and inform the applicant that they have an opportunity for an informal meeting on such determination. The denial letter will allow the applicant ten (10) calendar days to request an informal meeting (verbal or in writing) with the PHA. The applicant may bring any person he/she wishes to represent them at the informal meeting.

**SECTION X OCCUPANCY GUIDELINES**

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

For subsidy standards, an adult is a person 18 years of older.

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

**Occupancy Guidelines Chart**

<u>No. of BR</u>	<u>Min Persons/Unit</u>	<u>Max Persons/Unit</u>
OBR	1	1
1BR	1	2
2BR	2	4
3BR	3	6
4BR	4	8
5BR	5	10
6BR	6	12

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

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

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

Dwelling units will be assigned so that:

1. It will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom. Exceptions may be made for infants and young children or at the request of the family.
2. Foster children will be included in determining unit size only if they will be in the unit for more than three months.
3. For verified reasons of health (disability, addition of a live-in aide, need for medical equipment, etc.) Live-in Aides will generally be provided a separate bedroom. No additional bedrooms are to be provided for the Aides family.
4. Two children of opposite sex will not be required to share a bedroom except at the request of the family.
5. Space may be provided for a child who is away at school but who lives with the family during school recesses.
6. Space will not be provided for a family member who will be absent most of the time, such as a member who is away in the military.
7. Adults of different generations will have separate bedrooms.
8. Single person families shall be allocated one bedroom.
9. The living room will not be used as a bedroom except at the request of the family.

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

### **SECTION XI. TENANT SELECTION AND ASSIGNMENT PLAN**

#### **A. Organization of the Waiting List**

It is the PHA's policy that each applicant shall be assigned his/her appropriate place on a single waiting list in sequence based upon date and time the application is received, suitable type or size of unit, and factors affecting preference. Preference factors are established in this policy in accordance with HUD regulations and are consistent with the objectives of Titles VI of the Civil Rights Act of 1974 and Title VIII of the Civil Rights Act of 1968 and HUD regulations and requirements pursuant thereto. Exceptions

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to single waiting lists will be permitted only to comply with Court Orders, Settlement Agreement, or when approved in advance by the Assistant Secretary for Fair Housing and Equal Opportunity.

The primary goals of this plan are to:

- (1) Prohibit the concentration of low-income families in public housing.
- (2) Income targeting.
- (3) To ensure that each applicant shall be assigned his/her appropriate place on a single waiting list in sequence based upon date and time the application is received, suitable type or size of unit, and factors affecting preference. Preference factors are established in this policy in accordance with HUD regulations and are consistent with the objectives of Titles VI of the Civil Rights Act of 1974 and Title VIII of the Civil Rights Act of 1968 and HUD regulations and requirements pursuant thereto. Exceptions to single waiting lists will be permitted only to comply with Court Orders, Settlement Agreements, or when approved in advance by the Assistant Secretary for Fair Housing and Equal Opportunity.

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

Other admissions will be at or below 80% of the area median income.

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

### **B. Method of Applicant Selection**

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

Residency preferences will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

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

Selection will be in such a manner as:

- (a) To preclude admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the environment.
- (b) To maintain a resident body in each building composed of families with a broad range of incomes and rent paying ability which is generally representative of the range of incomes of the low income families in the PHA's area of operation.

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- (c) To give preference to applicants who are otherwise eligible for assistance and who at the time they apply for housing assistance, are living within the jurisdiction of the Reidsville, N.C.
- (d) To achieve both the goals of reducing poverty and income mixing in public housing the PHA will skip over certain applicants on the waiting list based on income to attain the required percentage of the extremely low income families
- (e) Residency preferences will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

### C. Order of Applicant Selection

**The order of selection listed below is to be applied within the ranges adopted by the PHA:**

These applicants will be selected first and ranked in the following order:

- 1. Families who reside within the city limits of Reidsville, N.C.**
- 2. Elderly/Disabled:** A family whose head or spouse or sole member is at least sixty-two (62) years of age, or 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.
  - d. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.
- 3. Displaced person(s):** Individuals or families displaced by public or private action. This preference includes individuals or families who have received a written condemnation notice from the City of Reidsville indicating condemnation of their rental unit is imminent. Renters who damage the rental home or are otherwise responsible for causing the condemnation are not eligible for this preference.
- 4. Full-time Employment:** Families with an adult member employed full-time for the past 12 months (full-time is at least 30 hours per week); graduated from or enrolled full-time in an accredited non-profit institution of higher education (university, college, or community college); or enrolled in a job-training program, or a program that prepares someone for a job. Families meeting this requirement who are referred by homeless providers are included in this preference. Elderly and/or people with disabilities will qualify for this preference. Full-time students must have completed at least the first year of their academic requirements and continuing their course of study. Persons on job training or job readiness programs must complete at least 50% of their course work and college graduates or graduates of job training or job readiness programs must be gainfully employed to receive this preference.
- 5. All other applicants.**

Within each category above, applicants will be selected by date and time. Based on the above preferences, all families in preference 1 will be offered housing before any families in preference 2. Preference 2 families will be offered housing before any families in preference 3. Preference 3 families will be offered housing before any families in preference 4. Preference 4 families will be offered housing before any families in preference 5.

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**D. Acceptance/Refusal of Offer.** The applicant must accept the vacancy offered within three (3) working days of the date the offer is communicated by telephone, or five (5) working days by regular mail, or be dropped to the bottom of the waiting list (unless the rejection is for "good cause").

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

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

- (1) Inaccessibility to source of employment or children's day care such that adult household member must quit a job, drop out of an educational institution or job training program;
- (2) The family demonstrates to PHA's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining order, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone are not good cause.
- (3) A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members or live-in aide (each as listed on final application) necessary to the care of the principal household member;
- (4) The unit is inappropriate for the applicant's disabilities;

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

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

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

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

When offering an accessible/adaptable unit to a non-disabled applicant, the PHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident, or an applicant needs the features of the unit. This requirement will be reflected in the lease agreement signed with the applicant.

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

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

Prior to making an offer for a unit the file for the applicant next on the waiting list will be reviewed by the a staff member to determine the final approval. Applicant folders will be processed at the PHA office. Initial intake, waiting list management, screening, and offers of housing (including transfers) will be made by public housing staff.

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

Changes in family composition, income, or status between annual re-examinations will be processed in the PHA's office. Staff shall not lease units to families whose occupancy will create an over or under housed situation.

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

If a resident transfers from one PHA unit to another, a new lease will be executed for the dwelling into which the family moves.

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

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

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

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

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

- (1) Resident plans to be married and files a request to add the new spouse to the lease;

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

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

Visitors may be permitted in a dwelling unit, provided they are reported to the Manager within 72 hours of their arrival or prior thereto. Visits not exceeding 30 calendar days may be authorized by the manager. Visits of more than 30 calendar shall not be authorized. Visitors remaining beyond this period shall be considered trespassers and the head of the household shall be guilty of a breach of the lease.

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

Residents must advise the PHA if they will be absent from the unit for more than 14 days. Residents are required to notify the management and make arrangements to secure the unit and provide a means for the PHA to contact the resident in the event of an emergency.

### **SECTION XIII RESIDENT TRANSFERS**

It is the PHA's policy that transfers will be made without regard to race, sex, sexual orientation, color, religion, national origin, or familial status. Residents will be transferred to accommodate a disability. Emergency transfers are permitted when the unit or building conditions pose an immediate threat to resident life, health or safety, as determined by the PHA. Emergency transfers within the sites may be made to repair unit defects hazardous to life, health, or safety, alleviate verified medical problems of a life threatening nature, or, based on documentation provided by a law enforcement agency, protect members of the household from attack by the criminal element in a particular property or neighborhood. These transfers shall take priority over new admissions.

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

Requests for medical transfers will be made to the manager. The resident will provide the manager with the necessary verification and/or documentation to substantiate the need for a medical transfer. Medical transfers may also be , initiated by the PHA, such as moving a person with mobility problems to a unit with accessible features. Transfers within sites may be made to correct occupancy standards (over/under housed condition), and to address situations such as neighbor disputes that are not criminal, but interfere

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with the peaceful enjoyment of the unit or common areas. These transfers will not take priority over new admissions.

Residents in an over/under housed status will be advised in their 30 day "Notice of Results of Re-examination" that a transfer is recommended and that the family has been placed on the transfer list.

When a head of household, originally housed in a bedroom by him/herself, has a child, the child shall remain in the parent's bedroom until it is three (3) years of age. After the age of three (3) a transfer may be recommended.

**Exceptions:** Spouse returns to the unit, marriage takes place, or family decides to remain in the unit and in PHA's opinion the unit is large enough to accommodate the number of persons now in the household. (Other than for births that occur during tenancy, the PHA's prior approval of additions to the household is required).

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

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

Transfers must be approved by the Executive Director or designee.

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

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

#### **A. Eligibility for Continued Occupancy**

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

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

## Public Housing Admissions and Continued Occupancy Policy (ACOP)

### **B. Remaining Family Members and Prior Debt**

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

### **C. Re-Examination**

1. **Regular re-examinations.** The PHA shall at least once a year, re-examine the incomes of all resident families whose rent has been computed by the income-based rental method. The effective date of the annual re-examination shall be the anniversary date of admission.
2. **Special Re-Examinations.** When it is not possible to estimate projected family income with any degree of accuracy at the time of admission or regular re-examination, a temporary determination will be made with respect to income and a special re-examination will be scheduled every 90 days until a reasonably accurate estimate of income can be made.

The resident will be notified in advance as to the date for the special re-examination(s). Special re-examination shall also be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder.

3. Persons reporting zero income will have their circumstances examined every 90 days until they have a stable income. Persons claiming zero income will also be asked to complete a family expense form. This form will be the first form completed in the annual re-examination process. The form will ask residents to estimate how much they spend OJ!: food, beverages, transportation, health care, child care, debts, household items, etc. Residents will then be asked how they pay for these items.
4. **Flat rent re-examinations.** Re-examinations of income will be conducted every three years for the families who have chosen to have their rent based on the flat rent method. Re-examinations of the family composition will be conducted at least Annually.

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

### **5. Re-examination Procedures**

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

## Public Housing Admissions and Continued Occupancy Policy (ACOP)

- (ii) Unit size required for the family;
- (iii) Rent the family should pay.
  
- (d) Income shall be computed in accordance with the definitions and procedures set forth in this policy.
  
- (e) Families failing to respond to the initial re-examination appointment will be issued a second appointment. Failure to respond to the second request will result in termination of the lease.

### **6. Action Following Re-examination**

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

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

## **SECTION XV INTERIM RENT ADJUSTMENT - MINIMUM RENT**

### **A. Minimum Rent**

The minimum rent for public housing families will be \$0 per month .and will remain at that level unless otherwise changed by the Board of Commissioners.

### **B. Rent Adjustment**

1. Residents must report all changes in family composition, status, or income to the housing specialist within 10 calendar days of the occurrence. Failure to report within 10 calendar days may result in a retroactive rent charge.
  
2. The family must promptly furnish to the PHA any letter or other notice furnished by HUD to a member of the family that provides information concerning the amount or verification of family income.

The PHA will verify the accuracy of the income information received from the family, and change the amount of the total tenant payment, tenant rent, or terminate assistance, as appropriate, based on such information.

3. Not all changes in family income between re-examinations will result in a rent change. The PHA will process interim changes in rent in the following cases:

## Public Housing Admissions and Continued Occupancy Policy (ACOP)

- (i) It is necessary to correct any error made by a previous rent determination.
- (ii) A reduction in family income has occurred which is expected to continue for a period of more than 30 days.
- (iii) The Resident or any member of the Resident's family not previously employed, becomes employed.
- (iv) When a new member is added to the family composition, and has income.
- (v) The Resident or any member of the Resident's family who previously was not receiving government assistance in the form of TANF, Work First, Social Security Benefits, SSI, Unemployment Benefits, etc., begins to receive such benefits.
  - (a) The Resident must report his or her, or any member of the Resident's family newly acquired government assistance referred to above, to the HA within 10 days of the date of receiving such benefits.
- (vi) The family size of the Resident increases or decreases:

**C. Interim Adjustments.** Interim adjustments in rent shall become effective as follows:

**1. Increases in rent shall become effective as follows:**

- (i) On the first day of the second month following the increase in family income.
- (ii) On the first day of the month following the correction of an error made at a previous rent determination.

**2. Decreases in rent shall become effective:**

- (i) On the first day of the month following the reporting of a decrease in family income.
- (ii) On the first day of the month following the reporting of a change in family size.
- (iii) On the first day of the month following the correction of an error made at a previous rent determination and shall be retroactive back to the time the rent began to be incorrectly charged.

**D. Failure to Report Accurate Information**

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

## **SECTION XVI LEASE TERMINATION PROCEDURES**

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

## Public Housing Admissions and Continued Occupancy Policy (ACOP)

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

### **SECTION XVII COMPLAINTS AND GRIEVANCE PROCEDURES**

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

### **SECTION XVIII NOTICE REQUIREMENTS**

No resident shall be given a Notice of Termination (14 or 30 day notice) without being told by the PHA in writing the reason for termination. The resident must also be informed of his /her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply as he/she may wish. Certain actions are excluded from the Grievance Procedure, specifically; any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or PHA employees; and any drug-related criminal activity on or off the premises.

Notices of lease termination can be served personally, or sent to the resident by mail.

### **SECTION XIX RECORD KEEPING REQUIREMENTS**

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

1. Name of resident, number and identification of unit occupied;
2. Date of the Notice of Lease Termination and any other notices required by State or local law; these notices may be on the same form and will run concurrently;
3. Specific reason(s) for the Notices, with section ,of the lease violated, and other facts pertinent to the issuing of the Notices described in detail;
4. Date and method of notifying resident;
5. Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

### **SECTION XX EXCESS UTILITY CHARGES**

Residents in units where the PHA pays the utilities may be charged for excess utilities if additional appliances or equipment are used in this unit, or the family usage of the utilities is over the allowance established by the PHA.

Public Housing Admissions and Continued Occupancy Policy (ACOP)

**APPENDIX 1**

THE NEW REIDSVILLE HOUSING AUTHORITY  
PUBLIC HOUSING PROGRAM

Number of Bedrooms	Monthly Flat Rents
1	\$395
2	\$440
3	\$510
4	\$595
5	\$685

APPENDIX 2

THE NEW REIDSVILLE HOUSING AUTHORITY  
PET POLICY AND RULES

Revised April 2007

The New Reidsville Housing Authority (herein after referred to as RHA) does hereby recognize that residents and applicants have the right to request a copy of these pet rules and upon compliance with same, request that their lease agreement be amended in order that they may keep a common household pet. These rules, other than the resident's obligation to maintain their premises in a clean and sanitary condition, do not apply to animals which are used to assist the handicapped. Changes may be made to these rules by notifying all families which currently have pets or are eligible to have pets of the changes 30 days prior to their becoming effective.

**APPROVAL.** Residents must have the prior written approval of RHA before moving a pet into their unit. Residents must request approval on the *Authorization for Pet Ownership* Form must be fully completed before the Housing Authority will approve the request. Residents must bring their pet to the lobby RHA administrative offices so that a picture of the pet may be taken for identification purposes.

1. The pet must be recognized by the RHA as a “**common household**” pet. These pets shall include domesticated, warm-blooded animals such as a dog or cat. Birds (and fish) so long as they are adequately cared for, their containers kept reasonably clean and in a sanitary condition, do not disturb other residents, may be kept by residents, without the consent of RHA and without any other section of these pet rules being applicable. Poultry, ducks, geese, and reptiles such as snakes, lizards, etc., or exotic or unusual creatures as such as tarantulas, are not considered as common household pets, and are not permissible.
2. No family may have more than one pet per household.
3. Pets must be of reasonable size and manageable by their owner. As a general rule, pets must not weigh more than 25 pounds, and not be of a breed that is known to exceed such weight at full maturity. For instance, a German Shepherd dog as a puppy would be within the 25 pound requirement, however; it is generally recognized that German Shepherds grow to a weight exceeding 25 pounds at maturity, therefore; a German Shepherd would not be permissible, even as a puppy.
4. In the case of either a cat or dog, a pet deposit in the amount of two hundred and fifty (**\$250.00**) is required. This must be paid in full at the time the lease is executed or amended. In addition, Residents will pay a monthly non-refundable pet maintenance charge of \$25 per month along with their normal rent. After the resident vacates the premises or removes the pet from the premises, and after an inspection of the premises has been completed, the pet deposit will be refunded to the resident. Reasonable expenses directly attributable to the pet may be deducted, including, but not be limited to, the cost of repair and replacements and fumigation of the resident's dwelling apartment.
5. The pet owner must comply with all federal, state, and local laws and regulations, which apply to pet ownership including inoculations and/or vaccinations, licensing, etc. Prior to entering into an amendment permitting the keeping of a pet, the owner must present satisfactory evidence of inoculation, vaccinations, and compliance with existing laws, including evidence from a Veterinary Clinic that the dog or cat has been spayed or neutered.
6. The pet owner must continually and satisfactorily maintain the premises under the lease in a safe, sanitary, and clean condition. Pet owners shall be required to properly remove pet waste at all times.

## Public Housing Admissions and Continued Occupancy Policy (ACOP)

7. Repeated substantiated complaints by neighbors or RHA personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance may result in the owner having to remove the pet or move him/herself. Pets who make noise continuously and/or incessantly for a period of ten minutes or intermittently for one half hour or more to the disturbance of any person at any time of day or night shall be considered a nuisance.
8. Pets shall at all times be properly restrained while on the project premises, outside of the apartment or building in which the owner resides. Pets must not ever be left in the breezeway unattended, or left unattended inside an apartment for a period of longer than 24 hours.
9. Pet owners shall be required to promptly have their pet cared for by a licensed veterinarian at first sign of illness or disease. At the owner's expense the apartment and general area where the pet is housed, must be regularly treated for fleas, ticks, mites, or other parasites known to infest pets and pet habitats. Pet owners who fail to do so may become financially responsible for treating areas adjoining their apartment, which become infested also. Total failure to comply with this provision may require removal of the pet, or may be grounds for termination of the lease.
10. No pets that are considered vicious or a danger to the health or safety of other residents, their guests, or employees of RHA or its agents are allowed. Upon execution of the amendment to the dwelling lease, the owner of the pet assumes all liability for any damage, to either property or personal injury, which the pet may cause, either directly, or indirectly.
11. Residents may not temporarily keep pets of other persons.
12. In the event that the Resident becomes incapable to adequately care for the pet, for whatever reason, or if a serious violation of the Pet Rules occur, such as a personal injury caused by the pet or a particularly unsanitary condition is caused by the pet, or if repeated minor violations of the Pet Rule occur, the RHA will request and the Resident will agree to remove the pet from the premises within a period not to exceed seven days. The Resident understands and agrees that failure to comply with a request from the RHA to remove the pet from the premises accordingly shall be just cause for the termination of the Resident's lease agreement.

The RHA reserves the right to modify the Pet Policy from time to time and may do so by mailing or delivering to the Resident a copy of the modified rules 30 days prior to their becoming effective. The Resident agrees to comply with any future and reasonable modification in the Pet Policy.

In consideration of the Resident's agreement to abide by this addendum, the RHA does hereby grant permission of the Resident to keep the above named pet and otherwise described above, on the premises so long as the Resident's lease agreement is in effect.

Public Housing Admissions and Continued Occupancy Policy (ACOP)

**Authorization for Pet Ownership Form**

Pet Owner's Name: \_\_\_\_\_

Pet Owner's Address: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_

Pet's Name: \_\_\_\_\_

Type or Breed: \_\_\_\_\_

Sprayed or Neutered? \_\_\_\_\_

License or ID Number: \_\_\_\_\_

Veterinarian Utilized: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Emergency Caregiver for the Pet: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**I have read and understand the rules governing pets,  
and I and all members of my household promise to fully comply.**

Signature of Pet Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

Please attach to this form the following:

- a. Picture of the Pet**
- b. Rabies Certification**

**APPENDIX 3**

**THE NEW REIDSVILLE HOUSING AUTHORITY**

**RESIDENT & VEHICLE PARKING STICKER POLICY**

1. In an effort to establish a more secure environment for The New Reidsville Housing Authority residents, a Policy to implement the registration of resident owned motor vehicle will be put into effect. This policy will assist in identifying cars/vehicles that are legitimately parked on the premises. This policy will be put into place to keep unauthorized vehicles from congregation/congesting the parking areas and to assist resident in finding a parking place for their vehicles.
2. Vehicles Parking Stickers: All PHA residents agree to produce verification of the vehicle(s) registered in their name. At that time, a Parking Sticker will be issued at no cost to the Resident. Parking Stickers cannot be assigned to car/vehicles on loan from someone else or registered to another party. Any vehicle parked in a no parking zone, any unauthorized vehicle parked on the PHA property for more than a reasonable period of time, or any unauthorized vehicle in the area of congestion or disturbance will be towed at the owner's expense. Police Officers on site will have a list of Parking Stickers registered to Resident and can identify the cars/vehicles that are not authorized to be on the property.
3. A second sticker will be issued to the same family only if absolutely essential to transport a member to work where two member of the family are working.
4. The sticker shall be placed in the lower left-hand corner of the back glass of the car.
5. Unlicensed, inoperable, junked, abandoned, or vehicles which are improperly parked are subject to be towed away at the owner's expense. Improperly parked vehicles are those parked in zones marked "No Parking", on sidewalk, or on the grass.

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Signature of Tenant

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Date

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Signature of Tenant

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Date

**APPENDIX 4**

**POLICY GOVERNING ENTRANCE TO  
THE NEW REIDSVILLE HOUSING AUTHORITY**

1 Purpose

To assure a safe, secure, sanitary environment, free from disturbance, violence, and threats in compliance with 24 CFR 966.55 and all other regulations.

2. Rules

Entrance to Property of The New Reidsville Housing Authority (PHA) is restricted to PHA residents and authorized guests. Any individual who committed crimes or other acts which constitute a threat to the health, safety, or general welfare of the residents of the PHA community shall be prohibited from entering PHA property and shall be considered trespassing. All identified trespassers' names shall be placed on a PHA Trespassing List and PHA residents shall be required to take all reasonable steps to exclude the named trespassers from the resident's home and PHA apartment complex pursuant to these rules and the parties' lease. The criteria for establishing the PHA Trespasser List shall be governed under these rules as follows:

3. Criteria

A. Individuals who have committed crimes or other acts which constitute a threat to the health, safety, or general welfare of the residents of the PHA community will be identified as a Trespasser by the PHA management staff and the Housing Authority Police Officers.

B. A No Trespass Notice will be issued to each individual identified as a trespasser. The verbal or written notice will serve as notice to the individual not to enter or trespass on PHA property in the future.

C. Former PHA residents who have been evicted for criminal offenses that threaten the health, safety, and peaceful enjoyment of other residents shall be issued a No Trespass Notice in writing by the PHA management staff and Authority police officers.

D. If the individual is a juvenile, a No Trespass Notice will be issued to the juvenile's parent or legal guardian.

E. Each individual who has been issued a No Trespass Notice A shall be placed on the Trespasser List and shall be provided with a Right to Appeal Notice.

F. Residents must take all reasonable steps to exclude persons named as trespassers from the residents' home and the PHA apartment complex as required by the Policy Governing Entrance to Property of the New Reidsville Housing Authority

G. And the lease agreement between the resident and the PHA. Such reasonable steps require the resident to notify the PHA and/or police in the event a trespasser is seen on about the resident's home or the PHA property. A resident's failure to follow these rules is grounds for termination of the lease and eviction of the tenant.

## Public Housing Admissions and Continued Occupancy Policy (ACOP)

### 4. Appeals Process

Either the named trespasser or any resident can appeal from a determination that a person is a trespasser. If an individual desires to appeal the issuance of a No Trespass Notice or desires to be removed from the Trespasser List, an appeals application must be filed with the PHA as follows:

A. Submit an appeals application to the Executive Director, The New Reidsville Housing Authority, 924 Third Avenue, Reidsville, North Carolina 27320. An application must also provide a current criminal record check from the Rockingham County and a report from a probation or parole officer, if applicable.

B. In extenuating circumstances and for good cause shown, the Executive Director may permit a named trespasser to visit a resident under certain restrictive conditions. Such extenuating circumstances may include (but are not limited to) the following: visiting a sick parent that is a PHA resident or visiting the trespasser's child. Conditions placed on the visitation may include (but are not limited to) the following: visiting only during business hours, checking in and out with the PHA staff, checking in or out with the police. Failure to abide by such restrictions subjects the trespasser to arrest discretionary with the PHA.

C. An appeals panel will review each appeals application. The appeals panel will consist of three (3) individuals, a housing authority police officer, a commissioner currently on the PHA's Board of Commissioners, and an Occupancy specialist. The panel will review each application and supporting documents and will make a recommendation to the PHA Executive Director. The Executive Director's decision is final.

D. If an applicant has committed a criminal offense, he/she must wait the appropriate length of time with a clear criminal record after the probationary period, parole, or community service period has ended. A List of offenses and waiting periods are as follows:

Offense	Waiting Period
Drug Possession	3 years
Drug Possession with intent to sell	3 years
Misdemeanor Assault	1 year
Trespassing	1 year
Other Misdemeanor (on PHA property)	1 year
Non-Violent Felonies	1 year
Lifetime Registration Sex Offender	Lifetime
Violent Felonies/Felony Weapon Violation	Lifetime

F. The Executive Director will render a written decision on all appeals applications and forward the decision to each applicant. The Executive Director will maintain a copy of all decisions. The decision of the Executive Director is Final.

G. If an appeals decision results in a reversal, the applicant's name will be removed from the Trespasser List.