

# SPRUCE PINE HOUSING AUTHORITY ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## INTRODUCTION

The approved Admissions and Continued Occupancy Policies and related procedures contained in this manual govern the admission to and the continued occupancy of public housing units and developments operated by the Spruce Pine Housing Authority, Spruce Pine, North Carolina.

These Policies and Procedures encompass requirements set forth by the Department of Housing and Urban Development (HUD) and comply with all Federal, State, and Local Laws, Rules, and Regulations governing Fair Housing, Non-Discrimination, and Equal Opportunity. Any changes in any such laws, rules, or regulations shall take precedent, and as such, shall supersede any policy or procedure herein.

The Policies and Procedures in this manual have been designed to ensure that the Spruce Pine Housing Authority shall effectively meet the needs of limited-income families in providing safe, decent, sanitary, drug-free, and affordable housing which will be a suitable living environment that fosters social diversity and promotes self-sufficiency and economic independence for all residents. These specific procedures and general guidelines have been established and adopted by the Spruce Pine Housing Authority Board of Commissioners to guide the PHA staff in determining eligibility for admission to and the continued occupancy of PHA developments, and are to be considered binding upon applicants, residents, and PHA staff, alike. Changes to any policies, procedures, or guidelines in this manual shall only be made by resolution adopted by the Board of Commissioners.

It is the stated policy of the Spruce Pine Housing Authority to ensure equal opportunity and treatment of all applicants and residents. Specifically, the PHA shall not, because of race, color, creed, religion, national or ethnic origin, familial status, age, or disability, deny any family or individual an opportunity to make application for, or receive, assistance for housing operated or maintained by this Authority

Adopted this 3rd day of July, 2000, by the Spruce Pine Housing Authority Board of Commissioners.

SPRUCE PINE HOUSING AUTHORITY  
ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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## I. CONDITIONS GOVERNING ELIGIBILITY

### A. ELIGIBILITY FOR ADMISSION

The Spruce Pine Housing Authority, herein after called Public Housing Authority (PHA) will admit as residents to its low rent developments, applicants meeting all of the following requirements:

1. Who qualify as a family (See Definition of Terms)
2. Whose total annual income does not exceed the applicable Income Limits for Admission as established by the Department of Housing and Urban Development (HUD) and adopted by this Agency.
3. Who are citizens, or non-citizens who have eligible immigration status, in one of the following categories:
  - a. A non-citizen lawfully admitted for permanent residence, as defined by Section 101(a)(20) of Immigration and Naturalization Act (INA), as an immigrant, as defined by Section 101(a)(15), of the INA [8 U.S.C. 1101(a)(20) and 1101(a)(15)], respectively (immigrants). This category includes a non-citizen admitted under Section 210 or 210A of the INA (8 U.S.C. 1160 or 1161), (special agricultural worker) who has been granted lawful temporary resident status;
  - b. A non-citizen who entered the U.S. before January 1, 1972, or such date as enacted by law, and has continuously maintained residence in the U.S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under Section 249 of the INA (8 U.S.C. 1259);
  - c. A non-citizen who is lawfully present in the U.S. pursuant to an admission under Section 207 of the INA (9 U.S.C. 1157) (refugee status); pursuant to the granting of asylum (which has not been terminated) under section 208 of the INA (8 U.S.C. 1158) (asylum status) or as a result of being granted conditional entry under Section 203(a)(7) of the INA (8 U.S.C. 1153(a)(7) before April 1, 1980,

- because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity;
- d. A non-citizen who is lawfully present in the U.S. as a result of an exercise 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);
  - e. A non-citizen who is lawfully present in the U.S. as a result of the Attorney General's withholding deportation under Section 243(h) of the INA (8 U.S.C. 1253(h)) (threat to life or freedom); or
  - f. A non-citizen lawfully admitted for temporary or permanent residence under Section 245A of the INA (8 U.S.C. 1255a)(amnesty granted under INA 245A).
4. Whose family members have not engaged in drug-trafficking or violent criminal activity, or convicted of a felony within seven years from the application date. Drug-trafficking means the illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, a controlled substance including alcohol. Violent criminal activity means any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.
  5. Whose family members have not been evicted from housing assisted under the 1937 Act for drug-related criminal activity during a period of time that is not less than seven years from the date of the eviction. Applicants who have a record of drug-related criminal activity, shall not be admitted to housing in the PHA developments unless they can prove they have successfully completed a drug rehabilitation program approved by the PHA, and also can prove they have been completely rehabilitated for at least three years prior to applying for housing with PHA, or circumstances leading to the eviction no longer exist, such as the evicted family member involved in drugs is no longer in the household because of incarceration, or whose family members have not been convicted of a misdemeanor, such as assault, or been evicted from housing assisted under the 1937 Act, for other serious violations of the Lease during a period of time that is not less than three years from

the date of application or eviction, unless the PHA determines that the circumstances leading to the conviction or eviction no longer exists. Eligibility based on this criteria shall be determined on a case by case basis.

6. Who have met the disclosure, documented verification, and certification requirements for disclosure of social security numbers.
7. Whose family composition conforms to the subsidy standards, which are appropriate to the vacant unit.
8. Whose past performance in meeting financial obligations, especially rent is satisfactory.
9. Who have no record of disturbance of neighbors, destruction of property, or living or housekeeping habits in present or at prior residences which would adversely affect the health, safety or welfare of other residents, including a poor inspection report as a result of a home visit by a PHA employee, or a negative reference from a former landlord or personal reference.
10. Who do not owe rent, other charges, or judgments to the PHA or to any other Housing or Section 8 Agency, Private Owner or Rental Agency. If the applicant owes the PHA money from previous occupancy, the debt must be paid in full prior to applicant's application being processed. NOTE: Repaying 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. After the application is processed, the applicant must meet all other conditions of occupancy. The determination of eligibility will be at the discretion of the PHA in these cases. Any money owed to PHA which has been discharged by bankruptcy shall not be considered in making this determination.
11. Who are at least 18 years of age or older or have been emancipated through the Courts.
12. Who are not adequately housed in a PHA unit. The PHA may make exceptions to this requirement due to emergency conditions including but limited to severe harassment, hate crimes, and witness protection, as authorized by the Executive Director or designee.

13. Who meet or exceed the Applicant Selection Criteria set forth in these policies.
14. Who can meet standard obligations of tenancy.
15. Who have not committed fraud, bribery or any other corrupt or criminal act in connection with any Federal Housing Assistance Program, including illegal drug activities.
16. Whose household includes a child who has not been convicted as an adult in a court of law for drug charges or any felonies.
17. Who have completed an orientation program sponsored by the PHA.
18. Whose family members have not engaged in or threatened abusive or violent behavior toward PHA personnel.
19. Whose family members are not subject to a lifetime registration requirement under a state sex offender registration program.

#### **B. INCOME TARGETING**

As of each fiscal year, the PHA will reserve not less than 40% of new admissions for extremely low income families, whose incomes do not exceed 30% of the area median income. In complying with this paragraph, the PHA must not concentrate very low income families in one public housing development or one building within a development. For this purpose, very low income families include other families with relatively low incomes.

1. **Income Mix**: The PHA will establish and use criteria for admission to a PHA's public housing units for selection of residents that will produce a mix of incomes in the developments, subject to the provisions in this policy.
2. **Exceptions**: Credit provisions of this section permit the level of extremely low income families admitted to other HUD programs in a given fiscal year to affect the general targeting requirement for admissions to public housing.
3. **Effect of Section 8 Assistance on Public Housing Targeting**: The PHA may reduce the required number of public housing units to which extremely low income families must be admitted to the extent the PHA has credits, in the same fiscal year, for admissions of extremely low income families to its Section 8 tenant-based assistance program beyond the number required for that program.

4. **Maximum Number of Credits:** The PHA may not have more credits than the lesser of:
  - a. Ten percent of the total number of families admitted to the Section 8 tenant-based assistance program during the fiscal year; or
  - b. The number of the PHA's public housing units in projects located in census tracts with a poverty rate of 30 percent or more that are made available and filled by eligible families who are not extremely low income families.
5. **Limitation on Use of Credits:** In any fiscal year, at least 30 percent of PHA's admissions to public housing units must be extremely low income families despite the availability of credits.

#### C. APPLICATION AND REQUIRED INFORMATION

Each applicant for housing operated by the PHA must complete the following:

1. **Application Form:** A written application that provides sufficient information to the PHA in order to make a preliminary determination of the applicant's eligibility, type and size of unit required, and rent. All application forms must be completed in their entirety, dated, and signed by the applicant and spouse, and all adult family members, when possible. The PHA must record the date and time of receipt of all applications and process them centrally. Unless the waiting list is closed, the PHA must give an applicant an opportunity to submit a written application even if informal discussion suggests that the applicant is not eligible. The PHA must, if requested, provide assistance to the applicant in completing the application.
2. **Form 9886, Authorization for Release of Information/Privacy Act Notice:** This form must be signed by all adult family members.
3. **Social Security Numbers or Employer Identification Numbers:** These numbers are required to be furnished to the PHA of all family members who are at least six years of age and older. Family members who do not have a Social Security Number must sign a certification that they do not have one. Certification of family members who are less than 18 years of age may be executed by the parents or guardian. The certification should:
  - a. state the individual's name;



- b. state that the individual has not been assigned a Social Security Number;
- c. state that the individual will disclose the number if they get one later; and
- d. be signed and dated.

Individuals who have applied for legalization under the Immigration Reform and Control Act of 1986 (IRCA) will not have a Social Security Card until they are granted temporary lawful resident status, but are assigned a Social Security Number. The letter assigning them a number is acceptable verification until they are granted temporary resident status. If an individual can provide their number, but not the documentation, written certification must be executed by the individual or guardian, if under 18. The certification should:

- a. state the individual's name;
- b. state the Social Security Number;
- c. state that the individual is unable to submit the documentation; and
- d. be signed and dated.

Applicants have 60 days from the date of certification to obtain documentation to verify the Social Security Number disclosed. Applicants who are 62 years of age or older may be granted an additional 60-day extension. Other documents that may be used for verification must show the social security number and the number must have been verified by the agency issuing the document.

Examples of other acceptable documents:

- Driver's License
- Bank Statements
- Earning Statements or Payroll Stubs
- Federal, State, or local agency issued identification card
- Unemployment benefit letter
- Employer or trade union issued identification card
- Retirement benefit letter
- Life Insurance Policies
- Medical Insurance Company issued identification card
- IRS Form 1099
- Verification of Social Security benefits with the SSA

- Government agency benefit award letters
- Court records (marriage and divorce, judgments or bankruptcy records, real estate or tax notices)
- Other documents that the Housing Agency determines to be adequate evidence of a valid social security number.

Applicants who do not meet the social security requirements will be denied admission. Residents who do not meet the social security requirements are ineligible for continued assistance, which will be terminated.

#### **D. ADMISSION AND CERTIFICATION REQUIREMENT**

The application for admission constitutes the basic record of each family applying for admission. The information submitted by each applicant will be verified to assure that the date upon which determinations are made as to eligibility for admission, total tenant payment and tenant payment to be paid, and size of unit required are full, true and complete. The Executive Director or his/her personal designee shall certify on every application for admission or continued occupancy that all claims have been verified and that the determination of the PHA are correct.

1. **Verification of Applicant's Statement and Income**: Applicants and residents shall be required to furnish proof of their statements when required by the PHA to assure accuracy. The PHA must verify the information furnished by the applicant or resident in order to determine eligibility.
2. **Required Verifications/Documentation of Application Data**: It is imperative to verify all claims made by each applicant and/or resident so that proper determination can be made of eligibility, rent and units size needed. Complete and accurate documentation of all data must be maintained at all times. This includes, but is not limited to:
  - a. Authoritative written information from all sources concerning income, exclusions, and deductions. Income shall be verified by the source from which it is derived. Expenses shall be verified by recipients of such payments. U.S. Treasury checks will not be photocopied.

- b. Reproductions or carbon copies of documents which substantiate the applicant's or resident's claims or a brief summary of the pertinent contents. The summaries shall be signed and dated by the staff member who examined them.
- c. Notarized financial statements showing all income, itemized expenses (do not allow costs of business expansion and amortization of capital indebtedness) and net income of every self-employed person.
- d. Written records of all data obtained by telephone, personal interview or other means, showing source of information, date and method received, and signature of person who received the information.
- e. Birth certificates, driver's license to support claim of age.
- f. Social Security disability award letters, pensions and social security certification of grant for total and permanent disability or doctor's certification that all conditions of disability or handicap, as prescribed by the Social Security definitions, are present to support any claim of disability or handicap.
- g. Official notices to support any preference claim for involuntary displacement by government or private action and documentary proof to support any preference claim for living in a substandard unit, such as an official inspection report or certification by an agency.
- h. Documentary proof to support applicant's claim of paying more than 50% of income for rent, such as copies of the most recent rental agreement, receipts, canceled checks, money order receipts, copies of utility bills or receipts, or direct contact with the landlord and/or utility companies.
- i. Written documentation from drug abuse treatment facility records as to whether the facility has reasonable cause to believe that the applicant/resident or family member is currently engaging in the illegal use of a controlled substance. This information is requested when the PHA has received information about evidence of prior arrest or conviction, destruction of property, violent activity against another person, or interference with the right of peaceful enjoyment of another resident. Confidentiality of records will be used the same as with other criminal

records received by the PHA. Consent forms will be obtained from the applicable family member(s).

- j. Bank statements, bank books, stock certificates, and copies of tax returns on real estate, registers of bonds, or any other required documentation of assets value, to support any claims to assets.
- k. Copies of official discharge papers from veterans or servicemen to support their claim, if applicable.
- l. Written records of all determinations of applications for admission and the methods used in making such determinations. The records with respect to applications for admission shall indicate for each application the date and time of receipt; the determination by PHA as to eligibility or the ineligibility of the applicant; when eligible, the unit size for which eligible, the preference rating, if any, and the date, location, identification, and circumstances of each vacancy offered and accepted or rejected.
- m. Sources of information to verify the resident selection criteria may include home visits, contacts with landlords, employers, social workers, parole officers, court records, drug centers, police department, physicians, and clients. In the event of unfavorable information is obtained relative to the PHA's selection criteria, consideration shall be given to the time, nature and extent of the applicant's or resident's conduct and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects, such as:
  - (1) Evidence of rehabilitation;
  - (2) Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs in the locality; or,
  - (3) Evidence of applicant family's willingness to attempt to increase family income and the availability or employment programs in the locality.
- n. Disclosure of income matching information to PHA.

- (1) Public housing residents must disclose to PHA the letter and other information they received from HUD regarding their income (under HUD's income verification initiative).
  - (2) The PHA must verify the accuracy of the income data, change rent amounts, or terminate assistance, as appropriate, when public housing residents disclose income information as described in (1) of this section.
3. **Summary of Verified Data:** Verification information is to be checked as it is received. If it is incomplete or the income appears to be less than adequate for the family, immediate steps shall be taken to obtain correct and complete information. Every resource available to the PHA shall be used to acquire all of the needed information.

If, during the interview, it becomes obvious that the applicant is ineligible, the interview/investigation shall be discontinued and the applicant shall be notified of his ineligibility and the reason(s) for it.

A summary of the verified information shall be prepared immediately to include a determination of eligibility, size of the unit needed, preference status, and rent to be paid.

4. **Findings Verified Prior to Admission:** If the verified data used in determining an applicant's eligibility are more than **one month old** at the time an applicant is selected for admission and the applicant states that no changes have occurred in his or her status, the data will be considered as reflecting the applicant's status at the time of admission. If data on file is between **one and three months old**, inquiries are to be made of the applicant, his replies recorded, and any reported changes which may affect his eligibility are to be reverified prior to leasing. If data on file is **three or more months old**, all factors are to be reverified and findings recorded.

#### **E. ESTABLISHING AND MAINTAINING THE WAITING LIST**

A waiting list will be established by completion of a written application form for admission by each applicant. Eligible applications are maintained in the following order; 1) bedroom size; 2) preferences; and 3) date and time.

A central waiting list will be maintained in a manner that permits the PHA to select the person at the top of the waiting list for the next available unit and to indicate the following:

- Head of Household
- Household type (disabled, elderly family)
- Unit size and type (handicapped, etc.)
- Date and time application was taken
- Preference status, if any
- Racial extraction of Head

The PHA may divide its waiting list into separate categories for general occupancy projects, for mixed population projects, for projects designated for elderly families, and for projects designated for disabled families, provided that all applicants are given an opportunity to be on the waiting list for any category of project for which they are qualified.

Documentation must be maintained in each application file to indicate date and time of application, preference status, verification of annual income, assets, assets income, and allowance information; family composition and type, social security numbers of all family members, information used in applicant screening, citizenship or eligible immigration status, letter of eligibility, information indicating when and why the applicant was selected for a unit, a record of the units offered and any rejections, including denial of a preference.

**Vacant Handicap Units:** When a handicap unit becomes vacant, the PHA, before offering such unit to a non-handicapped applicant shall offer such unit:

**FIRST:** To a current occupant of another unit of the same project, or comparable projects under common control, having handicaps requiring the accessibility features of the vacant unit and occupying a unit not having such features, or if no such occupant exists, then;

**SECOND:** To an eligible qualified applicant on the waiting list having a handicap requiring the accessibility features of the vacant unit.

When offering an accessible unit to an applicant not having a handicap requiring the accessibility feature of the unit, the PHA may require the applicant to agree to move to a non-accessible unit when available.

The waiting list will be updated periodically and at least annually, to maintain a current list of applicants. The applicants will be contacted to determine their continued interest in obtaining housing. If the applicants do not respond by the date indicated in the letter or the applicants may have moved and left no forwarding address, the application will be removed from the waiting list.

#### **F. WRITTEN SYSTEM OF PREFERENCES FOR SELECTION**

The written system of preferences established by PHA for the order of selection of applicants from the waiting list within each bedroom size as follows:

**FIRST:** Families who qualify for one of the following preferences:

1. involuntarily displaced;
2. working families
3. victims of domestic violence
4. homeless; and
5. elderly & disabled.

**SECOND:** Other eligible families who do not qualify for a preference.

With each preference category, date and time will determine which family has first priority if two families have the same preference.

The PHA may admit 50% of applicants in any one 12-month period that are non-preference applicants.

**Mixed Population Developments:** The PHA will extend preference to elderly families and disabled families equally in determining priority for admission to mixed population developments. PHA will not establish a limit on the number of elderly families or disabled families who may be accepted for occupancy in a mixed population development. A mixed population project is a public housing project, or portion of a project, that either was reserved for elderly and disabled families at its inception (and has retained that character), or was approved by HUD for preference in tenant selection to elderly and disabled families.

In offering available units to elderly families and disabled families in mixed population projects, the PHA should first offer units with accessible features to persons with disabilities who require the accessibility features of the unit.

Applicants may claim a preference when they initially apply for admission or at any time while they are on the waiting list. At the time of offer of a unit, PHA will request written verification from the appropriate agency or person to document the applicant's claim of a selection preference. The PHA will give preference to applicants who are otherwise eligible for assistance and who, at the time they are seeking housing assistance are Involuntarily Displaced, Living in Substandard Housing, or Paying More than 50% of Family Income for Rent.

#### G. INVOLUNTARILY DISPLACEMENT

An applicant qualifies for a preference on the basis of involuntarily displacement if any of the following applies:

- The applicant has been involuntarily displaced and is not living in standard, permanent housing; or
- The applicant will be involuntarily displaced within no more than six months from the date of preference status certification by the family or verification by the PHA; or
- An applicant is or will be involuntarily displaced if the applicant has vacated or will have to vacate the unit where the applicant lives because of one or more of the following:
  1. **Displacement by Disaster**: An applicant's unit is inhabitable because of a disaster such as a fire or flood.
  2. **Displacement by Government Action**: Activity carried on by an agency of the United States or by any State or local governmental body or agency in connection with code enforcement or a public improvement or development program.
  3. **Displacement by Action of Housing Owner**: Action by a housing owner forces the applicant to vacate its unit and;
    - a. The applicant cannot control or prevent the owner's action;
    - b. The owner's action occurs although the applicant met all previously imposed conditions of occupancy;
    - c. The action taken by the owner is other than a rent increase.Reasons for an applicant's having to vacate a housing unit include, but are not limited to:
    - Conversion of an applicant's housing unit to non-rental or non-residential use;



- Closing of an applicant's housing unit for rehabilitation or for any other reason;
  - Notice to an applicant that the applicant must vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy;
  - Sale of housing unit in which an applicant resides under an agreement that the unit must be vacant when possession is transferred;
  - Any other legally authorized act that results or will result in the withdrawal by the owner of the unit or structure from the rental market.
4. **Displacement by Domestic Violence:** An applicant is involuntarily displaced if:
- a. The applicant has vacated a housing unit because of domestic violence;
  - b. The applicant lives in a housing unit with a person who engages in domestic violence. Domestic violence means actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the household.
  - c. To qualify as involuntarily displaced because of domestic violence the PHA must determine that the domestic violence occurred recently or is of a continuing nature. Also, the applicant must certify that the person who engaged in such violence will not reside with the applicant family unless the PHA has given advance written approval. If the family is admitted, PHA may deny or terminate assistance to the family for breach of certification.
5. **Displacement to Avoid Reprisals:** An applicant is involuntarily displaced if:
- a. A family member(s) provided information on criminal activities to a law enforcement agency; and
  - b. Based on a threat assessment, a law enforcement agency recommends rehousing the family to avoid or minimize a risk of violence against family members as a reprisal for providing such information.
  - c. The PHA may establish appropriate safe guards to conceal the identity of families requiring protection against such reprisals.
6. **Displacement by Hate Crimes:** An applicant is involuntarily displaced if:
- a. One or more members of the applicant's family have been the victim of one or more hate crimes; and

- b. The applicant has vacated a housing unit because of such crime, or the fear associated with such crime, or has destroyed the applicant's peaceful enjoyment of the unit.

Hate crime means actual or threatened physical violence or intimidation that is directed against a person or his/her property and that is based on the person's race, color, religion, sex, national origin, handicap or familial status. The PHA must determine that the hate crime involved, occurred recently, or is of a continuing nature.

7. **Displacement by Inaccessibility of Unit**: An applicant is involuntarily displaced if:
  - a. A member of the family has a mobility or other impairment that makes the person unable to use critical elements of the unit; and
  - b. The owner is not legally obligated to make the changes to the unit that would make critical elements accessible to the disabled person as a reasonable accommodation.
8. **Displacement because of HUD Disposition of a Multi-Family Project**: Involuntarily displacement includes a displacement because of disposition of a multi-family rental housing project by HUD under Section 203 of the Housing Community Development Amendments of 1978.

#### H. RESERVED

#### I. RESERVED

#### J. VERIFICATION PROCEDURES FOR PREFERENCES

Verification procedures for applicants Involuntarily Displaced are established by the following documentation:

1. **Involuntary Displacement**
  - a. Certification from a unit or agency of government that an applicant has been or will be displaced as a result of a disaster, or fire report from Fire Department.
  - b. Certification from a unit or agency of government that an applicant has been or will be displaced by government action.
  - c. Certification from an owner or owner's agent that an applicant had to, or will have to, vacate a unit by a certain date because of owner's action.

- d. Certification of displacement, because of domestic violence, from the local police department, social service agency, or court of competent jurisdiction, or a clergyman, physician, or public or private facility that provides shelter or counseling to the victims of domestic violence.
- e. Assessment by a law enforcement agency of displacement to avoid reprisals in accordance with the following local procedures:
  - (1) The threatened resident shall inform a PHA manager or the police department of any threat within ten (10) days of receiving such threat. The Executive Director will be informed either verbally or in writing within two (2) working days of the resident's notice.
  - (2) Each claim shall be investigated by the police department and a written report of findings prepared stating the seriousness of the threat; whether or not the threat affects the resident's ability to reside in the present location; and if the threat results from resident's association and cooperation in providing criminal related information to a law enforcement agency.
  - (3) All efforts shall be made to identify and eliminate the source(s) of such harassment or threat. A recommendation on relocation shall accompany the report.
  - (4) A police report shall be submitted to the Executive Director or his designee within fifteen (15) days of receiving a claim. An immediate threat to life or safety may permit the Executive Director to waive any portion of this procedure to protect a resident.
  - (5) The PHA will schedule a conference with the resident and a police department representative to review the report findings. Both parties will be able to present other facts not presented in the written police report.
  - (6) Within seven (7) days of the conference, the Executive Director shall render a decision on the award of a preference.
  - (7) Any appeal must follow the appeal process already in place in this Occupancy Policy.

- (8) Certification by a law enforcement agency or other reliable information that one or more family members have been the victim of one or more hate crimes, or the fear associated with such crime has destroyed the applicant's peaceful enjoyment of the unit.
- (9) Certification by a health care professional that a family member has a mobility or other impairment that makes critical elements of the current unit inaccessible and a statement by the owner that he is unable to make necessary changes to the unit to make it accessible.
- (10) Certification by HUD with respect to disposition.

- 2. **Working Families:** Applicants with an adult family member that is either:
  - a. Currently enrolled in an employment training program;
  - b. Currently working a minimum of thirty (30) hours per week, and has been employed for the past 12 months; or
  - c. Attending school on a full-time basis.

This preference is also extended equally to all elderly families and all families whose head or spouse is receiving income based on their inability to work.

- 3. **Elderly & Disabled over single applicants:**
  - a. A family whose head or spouse or whose sole member is at least 62 years of age or a disabled or handicapped person, regardless of age (and may include two or more persons in this status living together);
  - b. or one or more persons essential to the elderly, handicapped, or disabled person's care and well being.
  - c. A person having a physical or mental impairment which:
    - 1. Is expected to be of long, continued and indefinite duration;
    - 2. Substantially impedes his/her ability to live independently; and
    - 3. Is of such a nature that such disability could be improved by more suitable housing conditions. (NOTE: All three conditions must be met to qualify as disabled.)
    - 4. Shown below are the definitions of a disabled person under Section 223 of the Social Security Act and under Section

102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970.

Section 233 of the Social Security Act defines disability as (1) inability to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months; or (2) in the case of any individual who has attained the age of fifty-five (55) and is blind (within the meaning of "blindness" as defined in Section 416 (I) of this Title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over substantial period of time.

Section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 defines disability as: A disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary of Health and Human Resources to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individual, which disability originates before such individual attains age eighteen (18), which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

#### **K. TENANT SELECTION POLICIES AND PROCEDURES**

In addition to policies, regulations, preferences and priorities established by the PHA for eligibility and admission to its developments, the PHA has adopted and implemented policies and procedures employing standards and criteria for tenant selection. In selecting residents from among eligible applicant families for the composition and size appropriate to available units, the PHA will take into consideration the needs of individual families for low rent housing and the statutory purpose in developing and operating socially and financially sound low income housing developments that provide a decent home and a suitable living environment and fosters economic and social diversity in the resident body as a whole.

- To avoid concentration of the most economically and socially deprived families in one or all of the developments operated by the PHA.

- To preclude admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the environment.
- To maintain a resident body in each development composed of families with a broad range of incomes and rent paying ability which is generally representative of the range of incomes of the low income families in the PHA's area of operation as defined by state law.
- To give preference to applicants who are otherwise eligible for assistance and who at the time they are seeking housing assistance, are involuntarily displaced, living in substandard housing or paying more than 50 percent of family income for rent.

NOTE: No priority for admission will be given on the basis of income to families whose income is greater than the Very Low Income limits.

1. **Tenant Selection Plan**: Assignment of applicants and units must be conducted in accordance with a Tenant Selection and Assignment Plan that meets HUD requirements and approval. Unit assignments must be in sequence and must be based on the type of project, size and type of unit required, applicable preferences, and date and time of application.

The applicant at the top of the community wide waiting list will be offered a suitable unit. If such offer is rejected, the applicant's name will be moved to the bottom of the waiting list.

If the applicant presents satisfactory evidence that acceptance of any of the offered units would result in undue hardship which is not related to race, creed, national origin, religion, age, sex, handicap, familial status, or language, then the applicant would not be considered to have been offered a unit, and the refusal would not count as a rejection.

If the applicant is willing to accept the unit but is unable to move at the time of the offer and presents clear evidence of his inability to move, to the PHA's satisfaction, refusal of the offer shall be considered allowable refusal and the applicant's name will not be moved to the bottom of the eligible applicant list.

An applicant who is dropped from the waiting list because a disability interfered with the ability to respond to PHA's request, can be reinstated as a reasonable accommodation.

An applicant will be by-passed on the waiting list if under investigation for fraud by any government agency, until the applicant is convicted or acquitted.

Every application shall contain a record of every unit offered, identification of the development and the unit, the date of each offer, and rejection or acceptance of the unit. The PHA shall not, on account of race, color, national origin, religion, familial status, age, sex, handicap or disability, deny to any family the opportunity to apply for admission, nor to deny admission to a particular group or category of eligible applicants such as families with children born out of wedlock, or unwed mothers, nor deny an eligible family the opportunity to lease a unit suitable to its needs in any development of the PHA.

The waiting list will be updated periodically and at least annually, to maintain a current list of applicants. The applicants will be contacted to determine their continued interest in obtaining housing. If the applicants do not respond by the date indicated in the letters or the applicants may have moved and left no forwarding addresses, the applications will be removed from the waiting list.

These Policies and any amendments thereto have been adopted by the Board of Commissioners, publicized by posting copies in each office where applications are taken, and upon request, copies will be furnished to applicants or residents. The policies provide for verification and documentation of any information relevant to acceptance or rejection of applicants, including documentation and verification of citizenship and eligible immigration status.

2. **Eligible / Ineligible Applicants:**

- a. **Eligible Applicants:** Applicants determined to be eligible for admission shall be promptly notified of their eligibility status and shall be given an approximate date on which he/she may expect to be offered housing. This notice may be given either in writing or verbally but the application must be documented to show when and how the notice was given.

- b. **Ineligible Applicants:** Ineligible applicants will be promptly notified of the basis for the determination, and of their right to an informal review of the determination. Upon request by the applicant and within a reasonable time after determination is made, the PHA will provide an opportunity to the applicant for an informal review of such determination. Where denial of occupancy is based on a criminal record, the PHA will provide the applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.
3. **Orientation of Families:** Upon determination by the PHA staff that an applicant is eligible, then the process of housing the family begins. It is mandatory that the applicant attend an orientation session in order to qualify for housing with the PHA, so the family is sent a notice to attend an orientation session. These sessions are conducted in individual or group sessions. Applicant families at the top of the waiting list for each bedroom size are notified of the date and time for the orientation session. It is important to conduct these sessions prior to vacancies becoming available so that when units are ready for occupancy, the PHA will not experience vacancy loss by having to wait for orientation of applicants.

During the orientation, the applicant is introduced to the Public Housing Program and discussion of such items as the terms of the lease, who can live in the unit, how rent is calculated, choices of rent payments, reporting changes in income and family composition, reexamination procedures, physical inspections, non-payment of rent, evictions, grievance procedures, violation notices, house rules, utility allowances if applicable, excess utilities, security deposit, and other charges under the lease, unit size, terms of occupancy, and the date of admission. Also discussed are the types of transfers, interim changes in rent and family composition, tenant oriented notices, Fair Housing and Equal Opportunity requirements and how it affects them, maintenance charges, Complaint Procedures, Tenant Selection Policy, PHA's One Strike Policy, Pet Policy, and other policies and requirements deemed necessary. The family is required to sign the orientation checklist showing that the above items were discussed with them and they clearly understood. If the applicant fails to



attend two (2) consecutive sessions, the application will be placed in the inactive files.

When the family has attended orientation and their name reaches the top of the waiting list, the applicant will be offered a unit. Families will not be housed if they have not attended orientation. Applicants who provide prior notice of an inability to attend orientation will be rescheduled for another orientation session.

If the applicant fails to keep any of the above appointments without good cause, the application will be placed in the inactive files and the family may be required to reapply for assistance.

4. **Leasing:** A lease shall be executed in duplicate, **prior to admission**, by the family head, spouse, and all other adult members of the household accepted as a resident family, and by the Executive Director or his designated representative. The original lease shall be retained by the PHA as part of the family's permanent records, and an executed copy shall be furnished the family.

Each lease shall specify the unit to be occupied, the date of admission, the size of the unit to be occupied, all family members who will live in the unit, the rent charged, utility allowances, the security deposit, other charges under the lease, and the terms of occupancy. The lease shall be explained again in detail to the applicant family **before execution**. It shall be kept current at all times.

A new lease shall be executed by both parties when a family transfers from one unit to another. When the PHA receives a request for another family member to become "Head of Household", a new lease shall be executed if the request is approved. The request will not be deemed approved until the new lease is executed by the resident and the PHA.

During the tenure of the lease agreement, changes in rent shall be made by a written, dated and signed Notice of Rent Adjustment, which shall become a part of the existing lease.

#### L. **SUBSIDY STANDARDS**

The following standards shall determine the number of bedrooms required to accommodate each family without overcrowding or over-housing. These standards may be

waived only when necessary to achieve or maintain full occupancy and after every effort has been made to stimulate applications from families appropriate to the existing vacancies, or in case of reasonable accommodations for a person with disabilities or emergencies, and at the discretion of the Executive Director. Eligible families of the most nearly appropriate size then shall be assigned to the vacancies with the written understanding that such families will be transferred to units of the appropriate size as soon as such units become available.

Number of Bedrooms	Minimum Number of Persons	Maximum Number of Persons
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	11

Assignments shall be made so that persons of the opposite sex, (other than head, spouse, and infants), persons of different generations, children two years and older, and unrelated adults shall have separate bedrooms. Children will not be required to share a bedroom with their parents except with the possible exception of infants. When determining unit size, the Housing Authority will include all children anticipated to live in the unit including:

- Foster Children
- Children expected to be born to pregnant women
- Children whose custody is being obtained by an adult member of the applicant family
- Children who are in the process of being adopted by the applicant
- Children temporarily absent from the family because of placement in foster care
- A live-in attendant may be assigned a separate bedroom
- Separate bedroom may be assigned to a handicapped or disabled family member

**Child Custody:** If an applicant claiming a child as a family member does not have full custody of the child, or if the child lives only part of the time with the applicant, the PHA

must make a determination whether to count the child as part of the applicant's family. The PHA may consider custody and the amount of time the child spends with the applicant in making this decision.

If the child does not currently reside with the applicant, the PHA may consider the child to be a part of the applicant's family if there is evidence that the child would reside with the applicant if the applicant were admitted to public housing.

The same child cannot be counted more than once (i.e., to make two single applicants each qualify as a "family").

If the child is determined to be part of the family, the child is a full family member and has the same status in determining income and deductions that any other child would have.

#### **M. PHYSICAL INSPECTIONS**

Prior to admission, annually, and when the unit is vacated, the resident shall make a physical inspection of the unit with a duly authorized PHA representative. The Housing Quality Standards Inspection Form shall be used to inspect the unit and shall be signed by the family head and the designated PHA representative. The inspection form shall be executed in duplicate. The PHA shall retain the original copy and a copy will be furnished the family, showing the condition of the unit and the equipment provided. The initial inspection report shall serve as the basis for determining maintenance charges to be passed on to the family.

When a resident is transferred, an inspection will be done on the vacated unit to be sure it is left in a reasonably clean manner. The resident will be given the opportunity to do a more thorough cleaning should the inspection indicate the need. If the resident chooses not to clean the vacated unit in a reasonable manner, all extra cleaning services and damages other than normal wear and tear will be assessed and will be payable **in full** at the next statement date, in accordance with the Maintenance Charge List.

#### **N. ANNUAL ELIGIBILITY REEXAMINATION**

- For families who pay an income-based rent, the PHA shall reexamine the income, family composition and other circumstances of all families in occupancy at least annually, and more frequently if necessary, to determine whether the rental amount paid by the resident shall be increased, decreased or remain the same, whether the size of the unit occupied by the

resident is appropriate to the resident's needs, and to assure that residency in the PHA is restricted to families meeting the eligibility requirements for continued occupancy.

- For families who choose flat rents, the PHA must review the income of the family in accordance with the PHA's established policies, at least once every three years.

- For all families who include nonexempt individuals, PHA must determine compliance once each 12 months with community service and self-sufficiency requirements.

The effective date of annual reexamination established by the PHA is **October 1<sup>st</sup>**.

When requested by the PHA, the family agrees to furnish accurate and timely information in order to determine if the family is eligible for continued occupancy. The family will complete an Application for Continued Occupancy when notified to do so by the PHA. Verification, Consent Forms, and Certifications will be obtained, and determinations made in accordance with the approved PHA Rent Schedule and this Occupancy Policy. The family will be notified in writing 30 days prior to the effective date of reexamination of any changes in eligibility, rent or unit size and of any misrepresentation or any lease violations revealed by the reexamination, and the corrective action to be taken. The refusal of the resident to attend the scheduled annual reexamination or furnish the information required by PHA in a timely manner, is considered grounds for lease termination. The resident agrees to comply with the PHA request for verifications by signing the release forms for third-party sources, presenting documents for review, or providing other suitable forms of verification information.

The same criteria of resident suitability that PHA uses for applicants shall be used for evaluating a person joining a family already in occupancy, or a remaining member of the household to determine if that person should be allowed to continue in occupancy. The PHA will make a determination as to whether or not the person meets the criteria prior to adding the person's name to the family's lease or executing a new lease with the remaining family member.

When the PHA determines the amount of Rent (Total Tenant Payment or Tenant Rent) payable by the resident (not including determination of PHA's Schedule of Utility Allowances for families) or determines that the resident must transfer to another unit based on family composition, or determines the family ineligible, the PHA shall notify the resident

in writing of the new amount, the effective date of the change, and/or transfer, or the date of lease termination. The Notice shall state that the resident may ask for an explanation of how the amount was computed by the PHA, or the determination made for change of unit size or breach of the lease, stating the specific grounds for the determination by the PHA; and that if the resident does not agree with the determination, the resident shall have the right to request a hearing under the PHA's grievance procedure. If the resident asks for an explanation, the PHA shall respond within a reasonable time.

The Notice will be sent to the family at least 30 days before the effective date of the change as stated in the Notice.

If the family composition no longer conforms to the PHA's subsidy standards, the resident agrees to transfer to an appropriate size unit upon proper notice by the PHA that such unit is available. Failure to transfer to the correct unit size is grounds for termination of the lease.

If the family causes an undue delay in the reexamination process, PHA will implement any rent increase retroactive to the effective date of reexamination. Rent decreases due to a delay caused by the family, will become effective the first day of the month following completion of the reexamination process.

The resident will accept a Notice outlining the change(s) as an amendment to his/her lease. This Notice will advise the family of the opportunity for them to request a hearing regarding the change(s).

1. **Temporary Rents**: If it is impossible to obtain verifications to complete determinations prior to the date of admission or reexamination, a temporary rent shall be established based on information furnished on the application. The resident will be sent a written Notice of Temporary Rent, stating the amount of rent to be paid, pending verification of income and determination of the appropriate rent. The Notice must state that when the correct rent is established, the rent will be retroactive to the date of admission or reexamination. Any overpayment will be credited to the resident's account and underpayments will be assessed the resident. A signed and dated copy of this Notice shall be kept in the resident's file.
2. **Special Reexaminations**: If due to instability of family income/or family composition, it is impossible to determine annual family income reasonably

accurately, a temporary determination of income and rent is to be made and special reexamination shall be scheduled for 30, 60, or 90 days, depending on the circumstances. The resident shall be notified in writing of the effective date of the special reexamination.

If the family income can be estimated at the time, the reexamination shall be completed and action taken. If a reasonable anticipation of income still cannot be made, another special reexamination shall be scheduled for 30, 60, or 90 days until a reasonable estimate can be made. Rents determined at special reexamination shall be made effective the first of the month following the final determinations.

3. **Interim Redetermination of Rent:** During the period between Annual Reexamination, the resident will be on a modified interim reporting basis. This means the resident need only report changes in income resulting from a financial hardship that reduces the family income, or a change in family composition. A family also may request an interim redetermination of family income or composition because of any changes since the last determination. In making an interim redetermination, the income change is annualized, even if the income is not expected to last for a full year. If the income changes again the new amount of monthly income will be annualized again. Examples of changes to request redeterminations of rents may be:
  - a. Decrease in income because of changed circumstances such as:
    - (1) Loss or reduction of employment
    - (2) Death in the family
    - (3) Reduction in or loss of earnings or other assistance
    - (4) When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program
    - (5) When the family would be evicted as a result of the imposition of the minimum rent requirement
    - (6) Expiration of a welfare initiated time limit which results in a reduction of income
  - b. Increase in expenses because of changed circumstances such as:

- (1) Medical Costs
  - (2) Child Care
  - (3) Transportation
  - (4) Education
- c. Change in family composition such as:
- (1) Marriage
  - (2) Divorce
  - (3) Removal of family member
  - (4) Birth of family member
  - (5) Death of family member
  - (6) Addition of another family member
- d. Other circumstances such as:
- (1) Inclusion of income of family members not previously included in total annual income
  - (2) To correct an error in connection with previous rent determination
  - (3) Resident is paying zero rent which is less than the minimum rent required
  - (4) Change in Utility Allowance Schedules
  - (5) Changes in employment

A hardship situation is interpreted to mean the occurrence of a situation lasting for a period of no less than thirty (30) days which would warrant a reduction in rent pursuant to this Policy. The 30-day period begins at the time the hardship is reported to the PHA by the resident.

Once the resident's rent is adjusted downward, the PHA will notify the resident in writing that the resident must report any and all changes in income and/or family composition until the next reexamination. These changes must be reported to the PHA within 10 days after they have occurred. Failure to report the changes are grounds for lease termination. Changes in family income or other circumstances that result in adjustment in rent must be verified.

If it is determined that the resident misrepresented and/or failed to report accurately and on a timely basis (within 10 days of the change) so that the resident is paying less rent than should have been charged, an increase in rent shall be made retroactively to the date that the

increase would have taken effect. Furthermore, the resident's misrepresentation and/or failure to report facts upon which the rent was based shall be grounds for lease termination. The resident will be required to pay within 90 days the difference between the rent paid and the amount that should have been paid.

If management determines that a resident intentionally or deliberately misrepresented their income, assets, child care, or family composition, which resulted in their being classified as eligible when in fact they were ineligible, and such misrepresentation was substantial, the resident will be given notice of eviction at the time the misrepresentation is discovered, whether the resident is or is not eligible at the time the misrepresentation is discovered. The resident has the right to request a hearing according to the grievance procedure.

4. **Treatment of Income Changes Resulting From Welfare Program**

**Requirements:** The PHA must not reduce the annual income of a family residing in public housing because of a reduction in the family's welfare assistance specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement. A reduction in welfare assistance is not to be treated as failure to participate in an economic self-sufficiency program or to satisfy a work activities requirement if the reduction results from:

- a. The expiration of a lifetime limit on receiving benefits;
- b. When a family has sought but cannot find employment; or
- c. The family has complied with welfare program requirements but loses welfare because of a durational time limit such as a cap on welfare benefits for a period of no more than two years in a five-year period.

When a family requests a rent reduction based on a reduction in family income from welfare, the PHA must obtain written verification from the welfare agency of the basis for the reduction. If the reduction is specifically the result of the family's failure to participate in an economic self-sufficiency program or comply with work activities requirements or fraud by the family, the PHA must not reduce the family's rent.

The PHA must notify families who are adversely affected by the requirements of this section that they have the right to review through the PHA's grievance procedure.



5. **Minimum Rent:** A family must pay at least a minimum rent established by the PHA. The minimum rent includes tenant rent plus any utility allowance. PHA will grant an exemption from payment of this minimum rent if the family is unable to pay that rent as a result of financial hardship as described herein. The PHA has established a minimum rent of \$25.00.
6. **Hardship Exemption:** In situations where paying this minimum rent results in hardship circumstances for the resident, the following statutory minimum rent hardship exemption policies have been established:
  - a. If a family paying the minimum rent of \$25.00 requests a hardship exemption, the minimum rent requirement is immediately suspended beginning the month following the hardship request, until a determination is made that there is a hardship, as covered by the statute, and the hardship is either temporary or long term.
  - b. If the PHA determines that there is a qualifying hardship, but that it is temporary, the PHA will reinstate the minimum rent from the time of suspension. Although the PHA cannot evict the family for nonpayment of the amount of minimum rent in excess of tenant rent otherwise payable during the 90-day period beginning on the date the family requested an exemption, the PHA will offer the family a reasonable repayment agreement for the amount of back rent owed.
  - c. If the PHA determines that there is no qualifying hardship exemption, the PHA will reinstate the minimum rent including the back payment for minimum rent, from the time of suspension, on terms and conditions outlined in a notice to the family.
  - d. If the PHA determines that there is a qualifying long-term financial hardship, the PHA will exempt the family from the minimum rent requirements.
  - e. Proper verification and documentation will be obtained and maintained in the files.
  - f. Examples of financial hardships include the following situations:
    - The family has lost eligibility for and is awaiting an eligibility determination for a Federal, State, or local assistance program

- The family would be evicted as a result of the imposition of the minimum rent requirement
- The income of the family has decreased because of changed circumstances, including loss of employment
- A death in the family has occurred
- Other circumstances determined by PHA

7. **Appeal of Financial Hardship Determination**: A family who appeals a financial hardship determination through the public housing grievance procedure is exempt from any escrow deposit that may be required by the regulations governing these procedures.

#### O. CHANGES IN RENTS

1. **Increases in Rent**: Increases in rent are to be made effective the first day of the second month following the month in which the change occurred. Increases in rent due to an error made at a previous rent determination will become effective the first day of the month following the correction.
2. **Decreases in Rent**: Decreases in rent are to be made effective the first day of the month following the month in which the decrease occurs. However, no decrease will be made until the decrease has been verified. At the discretion of the Executive Director, temporary adjustments may be made subject to verification of the decrease. In correcting errors, decreases shall be made retroactive to the date of the error.

Once the resident's rent is adjusted downward, the resident must report any and all changes in total family income and family composition within ten days after the changes are incurred and the resident's rent will be adjusted accordingly. After the resident's rent has been adjusted downward, the resident must report all changes until the next reexamination.

#### P. TRANSFER POLICY

If it is found that the unit size is no longer appropriate to the family's needs, the PHA shall send the family written notice to transfer to the correct size unit in accordance with the Subsidy Standards adopted within this Occupancy Policy. The family agrees to transfer to

another unit of the appropriate size or design. In the case of an involuntary transfer, the resident shall be given 15 days in which to move upon receipt of the transfer notice. If the resident refuses to transfer, the PHA may terminate the lease.

Transfers shall be made to correct occupancy standards and shall take precedence over new admissions. Residents shall not be transferred to a unit of equal size between developments or within a development, except for alleviating hardships as determined by the housing authority official.

In the case of transfers to a different development, the PHA will permit the resident to postpone the transfer to the end of the school year if requested by the family.

Transfers for the convenience of the resident may be permitted because of such reasons as the health of the resident or the proximity of the resident's job. The cost of such transfers will be borne by the resident.

Residents will either be reimbursed for the costs incurred due to involuntary transfers or the PHA will provide personnel and vehicles for the transfers to minimize the cost involved.

If a resident makes a written request for special unit features because of a documented disability or handicap, the PHA will either modify the resident's unit or transfer the resident to another unit with the requested features.

If a resident without disabilities or handicaps is housed in a unit with special features and another family with disabilities should need the unit, the family without disabilities must transfer to another unit without such features, upon appropriate notice.

The PHA may move a resident into another unit if it is determined necessary to rehabilitate the resident's unit.

Before a family can be transferred a PHA representative will conduct a pre-move out inspection on the present unit of the family. If this inspection reveals excessive damage to the unit, beyond normal wear and tear, and a housekeeping problem is present the resident will be denied a transfer. Proper notice of at least 48 hours will be issued to the resident to let them know of the planned inspection.

Damages to the unit will be repaired and the resident charged accordingly. Housekeeping conferences will be scheduled and attendance is mandatory. Within six months a

reinspection will be performed, and if marked improvement is noted, and all classes attended, then the resident will be put back on the transfer list.

Involuntary transfers are subject to the grievance procedure and no such transfers may be made until either the time to request a grievance has expired or the procedure has been completed.

Only one unit will be offered to a family unless there is a hardship situation as determined by the PHA. If the resident refuses the offered unit, the lease may be terminated by the PHA by giving a 60-day notice to the resident.

Transfers of residents to other units shall be made without regard to race, color, creed, national origin, religion, handicap, sex, or familial status.

#### **Q. RENT POLICIES**

1. **Rent Choices**: The amount payable monthly by the family as rent to the PHA is the rent selected annually by the family from the options offered under the PHA's rent policies.
  - a. **Flat Rent**. A flat rent is the amount of tenant rent based on the market value of the unit, as determined by the PHA. The PHA will maintain records and comparability studies regarding the calculation and establishment of flat rents.
  - b. **Income-Based Rent**. An income-based rent is the amount of tenant rent based on the family's income, as determined by the PHA, and the PHA's rent policies, which may specify a percentage of family income, a schedule of amounts, or another feasible system. The income-based rent, including any applicable utility allowance must not exceed the total tenant payment.
  - c. **Ceiling Rent**. A ceiling rent is a rent which reflects reasonable market value of the housing unit but is not less than the monthly per unit operating cost and a deposit to a replacement reserve and other considerations as established in state and federal laws. The ceiling rent plus any utility allowance must not exceed the total tenant payment. Ceiling rents are subject to paragraph "1" of this section, the annual reexamination requirements, and the limitation that the tenant rent plus any utility allowances may not exceed the total tenant payment.

2. **Information for Families:** PHA must provide sufficient information to families so that they can make informed choices about its rent options. Such information must include at least the following:
  - a. The dollar amount of tenant rent for the family under each option; and
  - b. The PHA's policies on switching type of rent in circumstances of financial hardship.
3. **Changing Type of Rental Payment:** If PHA determines that the family is unable to pay the flat rent (or ceiling rent) because of financial hardship, the PHA must immediately switch the family's rental payment from flat rent to income-based rent.
4. **Written Policies on Financial Hardship:** The PHA's written policy on determining financial hardship circumstances are outlined in Section N.3. of this Policy.
5. **No resident will pay less than the minimum rent of \$25.00 per month** as adopted by the Board effective September 21, 1999. This means that families paying zero rent or a rent of less than \$25.00 will be charged a Minimum Rent of at least \$25.00, except under the following circumstances:
  - a. A family is given a minimum rent hardship exemption, or
  - b. A family's utility allowance is greater than the total tenant payment.
6. **Total Tenant Payment:** Total tenant payment is the highest of the following amounts rounded to the nearest dollar:
  - a. 30 Percent of the family's adjusted monthly income; or
  - b. 10 Percent of the family's gross monthly income; or
  - c. The PHA adopted minimum rent of \$25.00.
7. **Rent Increases:**
  - a. **Self-Sufficiency Incentives - Limit On Rent Increases.** The PHA will not increase the annual income of an eligible family as a result of increased income due to employment during the 12-month period beginning on the date on which the employment commenced. Eligible families are those that reside in public housing and;

- (1) Whose income increases as a result of employment of a family member who was previously unemployed for one or more years;
- (2) Whose employment income increases during the participation of a family member in any family self-sufficiency or other job training; or
- (3) Who is or was, within six months, assisted under any state program for temporary assistance for needy families funded under part A of Title IV of the social Security Act, as determined by PHA in consultation with the local TANF Agency, and whose earned income increases.

- b. **Phase-in of Rent Increases:** Upon expiration of the 12-month period described in paragraph "a" of this section, the rent payable by a family may be increased due to continued employment of the 12 month disallowance, the increase may not be greater than 50 percent of the amount of the total rent increase.

For purposes of this section, "previously unemployed" includes a person who has earned, in the previous 12 months, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

- c. **Individual Savings Accounts:** As an alternative to the disallowance of earned income described in paragraph "a" this section, or the phase-in-of rent increase described in paragraph "b" of this section, PHA may provide for individual savings accounts for residents who pay an income based rent, in accordance with a written policy, which must include the provisions outlined in Section 5.612(c)(1) through (6) of HUD regulations.

## R. SECURITY DEPOSIT

The amount of the Security Deposit is \$50.00. The applicant agrees to pay the security deposit on or before the occupancy date. Under extenuating circumstances, and at the discretion of the Executive Director, the security deposit may be paid in monthly installments as follows: One-half (1/2) of the security deposit may be paid on the occupancy date with the remainder paid in two monthly installments due the two following months after occupancy. Failure of the resident to pay the security deposit within the time provided by the PHA shall constitute grounds for termination of the lease.

The amount of security deposit will remain the same unless the security deposit policy is changed by Board resolution.

The security deposit may not be used to pay rent and other charges while the resident is in occupancy. The security deposit will be returned to the resident within 30 days after vacating provided the unit and equipment have been inspected by the PHA and found to have been left clean; all rents and other charges of whatever kind have been paid; all trash and debris have been removed by the resident; there is no damage to the unit or equipment beyond normal wear and tear; and the keys to the unit and mailbox have been returned to the PHA office.

The security deposit will be deposited in an account that is co-mingled with the general account at the following financial institution: First Union National Bank.

#### **S. MISREPRESENTATION BY THE RESIDENT**

If a resident is found to have made misrepresentations at any time which resulted in his being classified eligible, when in fact, he was ineligible, he may be required to vacate, even though he may since have become eligible. If such misrepresentation resulted in his paying a lower rent than was appropriate, he shall be required to pay the difference between the actual payments and the amount which should have been paid. In justifiable cases, the PHA may take such other action as it deems necessary.

If it is found that a resident is paying less than he should have been paying, and this is due to an error by the PHA, the rent shall be adjusted and the resident charged the correct rent. The resident shall not be charged any retroactive rent due to an error by the PHA.

#### **T. TERMINATION AND EVICTIONS**

All lease terminations and evictions will be processed in accordance with the PHA's current lease and grievance procedure. The PHA's Lease and Grievance Procedure is incorporated into this policy by reference.

The lease may be terminated only for serious or repeated violations of material terms of the lease, such as failure to make payments due under the lease or to fulfill the resident's obligations, or for other good cause. The PHA shall give written notice of the proposed termination, stating the specific reasons for the termination and informing the resident of his/her right to make such reply as he/she may wish, and of the resident's right to examine PHA documents that are directly relevant to the termination or eviction.

A family will be evicted after three (3) summons within a twelve (12) month period. The PHA will not dismiss the action to evict the resident even if the resident makes an offer to pay the rent.

When the PHA is required to give the resident the opportunity for a grievance hearing, the notice shall inform the resident of his/her right to request such a hearing and the procedure to be followed in obtaining such a hearing, as outlined in the PHA's grievance procedure.

If a hearing is held and the decision of the hearing officer is in favor of the PHA, a Notice to Vacate shall be issued in writing and specify that if the resident fails to quit the premises within the applicable statutory period, or on the termination date stated in the Notice of Termination, whichever is later, appropriate action will be brought against the resident.

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

- Name of resident, number and identification of the occupied unit
- Date and copy of Notice to Terminate or Vacate and any other notices required by state or local law; these notices may be on the same form and will run concurrently
- Specific reason(s) for the Notices (i.e. if a resident is being evicted for undesirable actions, the record shall detail the actions for which the eviction has been instituted and the section of the lease violated); and other facts pertinent to the issuing of the Notices described in detail;
- Date and method of notifying resident of reasons and showing a summary of any conferences with resident, including dates, names of conference participants and conclusions;
- Dated and signed records of minutes of any hearing held;
- Date and description of final action taken; and
- Date and copy of Notice to Vacate.



## II. OCCUPANCY PROCEDURES

### A. RECEIPT OF APPLICATIONS

Each application constitutes the basic legal record which supports the fee determinations of eligibility status, rent and unit size for which the applicant and/or resident is qualified. The application for admission also constitutes the basis for establishing the applicant's priority status for selection. The following procedures shall be followed in processing all applications:

1. All entries by applicants and PHA personnel are to be made in ink, ballpoint pen or typed.
2. Any changes are to be made by drawing a single line through the original entries and entering the correct data. The reason and authority for each change shall be noted in the record, which than shall be dated and initialed by the person making the change.
3. The date and time of receipt of each application for admission shall be shown in the top right hand corner of the application.
4. When the applicant/resident and interviewer have insured that every blank is complete (exclusive of those provided for PHA determinations), both shall sign and date the application in the appropriate spaces. No blanks shall be left open; those which are inapplicable to a particular applicant/resident shall be completed with NA (Not Applicable), "NO" or "NONE".
5. If during the interview, it becomes obvious that the applicant definitely is ineligible, he will be so informed and the reason(s) fully explained. His application then shall be classified as "ineligible". The file shall be documented to show when and how the applicant was informed and the reasons for his ineligibility.
6. Each applicant determined eligible for admission shall be notified in writing of his eligibility status and the appropriate date occupancy insofar as that date can be reasonably determined.
7. The active applications and all materials relating to them are to be kept current at all times and shall be arranged in the following order:

a. Applications Pending Verification

- (1) Bedroom size needed
- (2) Alphabetical sequence

b. Eligible Applications

- (1) Bedroom size needed
- (2) Preferences
- (3) Date and Time

All active applications shall be purged annually. Letters will be sent to each applicant family inquiring of their continued interest and giving them a specific date to respond or the application will be retired from the active files. Undelivered letters with their envelopes shall be attached to the respective applications as evidence of the unsuccessful efforts to locate the applicants. Each retired application shall be documented with the date of retirement, the reason, and the initials of the person making the determination. It shall show the dates of any telephone calls, personal contacts and the results.

**Inactive and Ineligible Applications should be filed in alphabetical order by years in which deactivated or determined ineligible. Applications that have been inactive for six (6) months or longer will be disposed of. These applicants must reapply if interested at a later date.**

**B. ANNUAL INCOME**

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

- Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member, or
- Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- Which are not specifically excluded in paragraph "3" of this section.
- Annual Income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

1. **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, bonuses and other compensation for personal services.
  - b. The net income from 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 Services 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 reimbursed 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 authorized in paragraph 6 of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000 annual 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, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (2)(r) of this section);
  - f. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (2)(c) of this section);
  - g. Welfare Assistance

- The amount of reduced welfare income that is disregarded specifically because the family engaged in fraud or failed to comply with an economic self-sufficiency or work activities requirement.
- If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance to be included as income shall consist of:
  - The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
  - The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.
  - 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 unit;
  - All regular pay, special pay and allowance of a member of the Armed Forces (except as provided in paragraph (2)(6) of this section);
  - Relocation Payments.

2. **Exclusions from Annual Income**: Annual income does not include:

- a. Payments received for the care of foster children or foster adults (usually people with disabilities, unrelated to the tenant family, who are unable to live alone);
- b. 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;
- c. Amounts received by the family, that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- d. Income of live-in-aide;

- e. The full amount of student financial assistance paid directly to the student or to the educational institution;
- f. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- g. Amounts received under training programs funded by HUD;
- h. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligible and benefits because they are set aside for use under a Plan to Attain Self Sufficiency (PASS);
- i. Amounts received by a participant in other publicly assisted programs which are specifically for or in 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;
- j. 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. No resident may receive more than one such stipend during the same period of time;
- k. Incremental earnings and benefits resulting to any family member from participating in qualifying state or local employment training programs (including training programs not affiliated with 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;
- l. Temporary, non-recurring or sporadic income (including gifts);
- m. Reparation payments paid by a foreign government by persons who were persecuted during the Nazi era;

- n. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- o. Adoption assistance payments in excess of \$480 per adopted child;
- p. The earning and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this paragraph, the following definitions apply:
  - Comparable Federal, State or local law means a program providing employment training and supportive services that:
    - Is authorized by a Federal, State or local law;
    - Is funded by the Federal, State or local government;
    - Is operated or administered by a public agency; and
    - Has as its objective to assist participants in acquiring employment skills.
  - Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
  - Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job;
- q. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum or in prospective monthly amounts;
- r. 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;
- s. Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and

equipment needed to keep the developmentally disabled family member at home;  
or

t. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

3. **In addition to the exclusions from annual income** covered in paragraph 2. of this section, a PHA may adopt additional exclusions from earned income, without HUD approval, pursuant to an established written policy. In establishing such a policy, a PHA must adopt one or more of the types of earned income exclusions, including variations thereof as set out in HUD regulations. PHAs will have to absorb any loss in rental income resulting from adoption of any of the optional earned income exclusions.
4. **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.
5. **Programs under the Domestic Volunteer Services Act include:**
  - VISTA - Volunteers in Service to America
  - RSVP - Retired Senior Volunteer Program
  - SCORE - Service Corps of Retired Executives
  - FGP - Foster Grandparents
  - SCP - Senior Companions Programs
  - ACES - Active Corps of Executives
6. **Programs under Title IV of the Higher Education Act of 1965 include:**
  - Basic Educational Opportunity Grants (Pell Grants)
  - Supplemental Opportunity Grants
  - State Student Incentive Grants

- College Work Study
- Byrd Scholarships

7. **Programs under Title V of the Older Americans Act include:**

- Green Thumb
- CSEP - Senior Community Services Community Employment Program
- AARP - American Association of Retired Persons
- NCOA - National Council on Aging
- National Council of Senior Citizens (Sometimes called Senior Aides)
- U.S. Forest Service
- NCBA - National Caucus Center for Black Aged
- Urban League
- National Association for the Spanish Elderly

8. **Vocational Work Adjustment Training Program:** This program is not state funded but is a private non-profit agency. **The income must be counted.**

**C. NET FAMILY ASSETS**

Net family assets is the net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD Homeownership Programs.

Net cash value is the dollar amount the family would receive if the asset were converted to cash. The cash value of an asset is determined as follows:

$$\begin{array}{r} \text{Fair Market} \\ \text{Value} \end{array} \text{ MINUS } \begin{array}{r} \text{Unpaid} \\ \text{Encumbrances} \end{array} \text{ MINUS } \begin{array}{r} \text{Reasonable} \\ \text{Costs due to} \\ \text{Converting} \\ \text{Assets to Cash} \end{array} = \text{CASH VALUE}$$

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



Business assets are not considered in determining the value of the net family assets; however, if business assets have been disposed of for less than fair market value in the two years preceding the effective date of the reexamination or move-in, the difference between the amount and the fair market value is included in net family assets.

Costs for disposing of certain assets that must be verified are:

- Settlement costs for selling real property;
- Brokerage fees to dispose of stocks and bonds;
- Interest penalties for early withdrawal of IRAs; and
- Keogh's and certificates.

1. **Assets Inclusions:**

- a. **Cash held in savings and checking accounts, safety deposit boxes, homes, etc.** Generally, for savings accounts, use the current balance and for checking accounts the average balance over the last six months. The PHA may choose to disregard a nominal amount in a family's checking account, which is required to meet normal day-to-day needs.
- b. **Trusts** include the value of any trust available to the household. (Do not include irrevocable trusts, which are ones that no family member can control.)
- c. **Equity in rental property or other capital investments** include the current market value less an unpaid balance on any loans secured by the asset less reasonable costs incurred in selling the asset.
- d. **Stocks, Bonds, Treasury Bills, Certificates of Deposit, Money Market Funds.**
- e. **Individual Retirement and Keogh Accounts** are included because participation in such retirement savings accounts is voluntary and the holder has access to the funds, even though penalty may be assessed.
- f. **Retirement and Pension Funds:**
  - (1) While the person is employed include only amounts the family can withdraw without terminating employment.
  - (2) At retirement or termination of employment if benefits will be received in a lump sum, include the benefits in net family assets. If benefits will be received through periodic payments, include the benefits in annual income.

- g. **Lump Sum Receipts** include inheritances, capital gains, one-time lottery winnings, and settlements on insurance and other claims. (Do not include lump-sum receipts that must be counted as income.)

2. **Assets Exclusions**

- Necessary personal property (clothing, furniture, cars, etc.)
- Vehicles specially equipped for the handicapped
- Irrevocable trust
- Interest in Indian trust lands
- Jewelry and art (unless held as investments)

**D. ADJUSTED INCOME**

Adjusted income means annual income, as determined by the PHA of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

1. **Mandatory Deductions**. In determining adjusted income, PHA must deduct the following amounts from annual income:
  - a. \$480 for each Dependent;
  - b. \$400 for any Elderly Family or Disabled Family;
  - c. The sum of the following to the extent the sum exceeds three percent of annual income:
    - (1) Unreimbursed medical expenses of any elderly family or disabled family; and
    - (2) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability, to the extent necessary to enable any member of the family (including the member with a disability) to be employed;
  - d. Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his other education; and
  - e. The amount of any earned income of a family member (other than the family head or spouse) who is not 18 years of age or older.

2. **Permissive Deductions.** The PHA may establish other deductions from annual income but will identify them in this Occupancy Policy or Addendum thereto, and will grant them to every family who qualifies prior to implementation.

#### **E. INCOME CHANGES FROM WELFARE PROGRAM REQUIREMENTS**

The annual income of a family residing in public housing will not be reduced because of a reduction in the family's welfare assistance specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement. A reduction in welfare assistance is not to be treated as failure to participate in an economic self-sufficiency program or to satisfy a work activities requirement if the reduction results from:

- The expiration of a life time limit on receiving benefits;
  - When a family has sought but cannot find employment; or
  - The family has complied with welfare program requirements but loses welfare because of a durational time limit such as a cap on welfare benefits for a period of no more than two years in a five-year period.
1. **Verification:** When a family requests a rent reduction based on a reduction in family income from welfare, the PHA will obtain written verification from the welfare agency of the basis for the reduction. If the reduction is specifically the result of the family's failure to participate in an economic self-sufficiency program or comply with work activities requirements or fraud by the family, the PHA will not reduce the family's rent.
  2. **Notification to Families:** The PHA will notify families, who are adversely affected by the requirements of this section, that they have the right to a review through the PHA's grievance procedure without paying a deposit in escrow.

#### **F. UTILITIES AND UTILITY ALLOWANCES**

**Utilities mean** water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection, and sewerage services. Telephone service is not included as a utility.

PHA and Resident Furnished Utilities means the PHA and Resident agree to furnish specific utilities.

**Excess Utility Charges** means the resident agrees to pay for excess utility consumption, if any, in accordance with the posted utility schedule. The utility allowances are itemized by month and bedroom size, and are posted on the bulletin board at the PHA Office. The utility allowances may be modified from time to time as needed. The PHA will not be liable for failure to supply services for any cause whatsoever unless PHA fails to exercise reasonable diligence to remedy the failure.

A stove and refrigerator is furnished in each unit. The resident agrees not to use unvented space heaters in the unit at any time.

#### **G. RENT COLLECTION POLICY**

Rent is due and payable on the first (1st) day of each month. A grace period until the fifteenth (15th) day of the month is given each resident to pay the full rent. If rent has not been paid by the fifteenth (15th) day of the month, a \$10.00 late fee will be charged.

An extension of time for paying rent may be granted at the discretion of the Executive Director, provided the resident has requested the extension in person and prior to the due date of the rent. The resident must provide verification of the reasons for the request. The entire Rent Collection Policy is posted in the Management Office and made a part of this Policy by reference.

#### **H. OCCUPANCY BY POLICE OFFICERS**

For the purpose of increasing security for the residents of our public housing developments, PHA will allow officers, who would not otherwise be eligible for public housing, to reside in a public housing unit. PHA will include in its Annual Plan the number, location of the units to be occupied by police officers, and the terms and conditions of their tenancies. A police officer is determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a federal, state or local government or by any agency of these governments. An officer of an accredited police force of a housing agency may qualify.

#### **I. TRESPASS POLICY**

It is the policy of the PHA that unauthorized persons may not congregate on, enter on or remain on PHA premises **without the consent of the PHA**. If a resident is charged with any illegal drug activity whether on or off premises, their Lease will be terminated and the

individual banned from all premises maintained by PHA. Any guest or visitor charged with illegal drug activity shall be banned immediately. Prosecution for trespassing will be sought should a banned person return to the premises after being forbidden to do so. A complete list of persons banned from PHA premises shall be maintained by PHA and the police department. Additionally, a list shall be posted in the management office of each development for review by residents.

#### **J. ABSENCE FROM UNIT**

Absence means that no family member is residing in the unit. The PHA and the Department of HUD require reporting changes in the family composition. The family is required to report to the PHA if the family will be absent from the unit for more than 30 consecutive days. The resident is required to notify the PHA before moving from the unit, and to furnish information regarding any absence family member. Any household member will be considered permanently absent if away from the unit for 60 consecutive days, unless approved by PHA.

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

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

Absences due to hospitalization or sickness by a family member will be verified and if it is determined that the family member will return home within 60 days, the family will not be considered permanently absent, provided the family's share of the monthly rent and the utilities payable by the family continue to be paid. However, if there is no chance of the family member returning to the unit within 60 days, the family member will be considered permanently absent, and if this family member is the sole member of the household, housing assistance will be terminated.

Absences due to family vacations or other reasons that are longer than 30 days must be approved by the PHA in writing. Absences for more than 60 consecutive days due to being in a drug treatment center or imprisonment will be considered permanently absent, unless approved by PHA.

The PHA will make a determination as to whether the imprisonment was due to drug-related or violent criminal activity and will be handled on a case by case basis and a determination made by the PHA after review of each particular circumstance.

If both parents are absent from the household and a caretaker has been placed in the home by the courts or an approved placement agency such as Social Services, the caretaker will be considered a visitor for the first 30 days by PHA. The Lease will be transferred to the caretaker if the court has awarded custody or legal guardianship to the caretaker by the end of the 30-day period. The caretaker will be allowed to remain in the unit as a visitor until a determination of custody is made by the court. The income of the caretaker will be counted pending a final disposition of the custody award.

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

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

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

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

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

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

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

#### **K. VISITORS**

Visitors are permitted by residents, provided they are reported to the PHA within 72 hours of their arrival or prior thereto. Visits not exceeding 14 days may be authorized by the PHA. Written approval at the discretion of the manager, based on the circumstances, must be obtained for guest visits of more than 14 days. Visitors remaining beyond this period shall be considered trespassers and the family head shall be guilty of breaching the Lease. The family must prove to the PHA that the person is a visitor. In the absence of such proof, the person will be considered an authorized family member and assistance will be terminated, due to the family not obtaining prior approval for the additional family member. NOTE: Residents are responsible for the actions and conduct of their guests in accordance with the Lease.

1. In accordance with the Lease, roomers and lodgers shall not be permitted to occupy a unit, nor shall they be permitted to move in with any family occupying a PHA unit. Violation of this provision is grounds for Lease termination.
2. Residents of PHA will not be given permission to allow a former resident of PHA who has been evicted to occupy the unit for any period of time. Violation of this requirement is grounds for Lease termination.
3. A minor will be considered an eligible visitor and not a family member if in the household for less than 182 days per year in a joint custody arrangement.
4. College students and minors who were part of the family but now live apart from home during the school year, and are not considered household members, may visit for up to 90 days per calendar year without being considered a household member during semester/school breaks.

#### L. **POLICY REGARDING REPAYMENT OF AMOUNTS OWED PHA**

Applicants who have no other negative comments on previous housing forms except balances owed will be accepted if balances are paid in full. Applicants and former residents who have been evicted for non-payment of rent, poor housekeeping or other lease violations will not be accepted and must wait one (1) year before being able to reapply. After one (1) year if the applicant can provide a good rent paying record from the most recent landlord or mortgage company for a period of 12 consecutive months, the application will be processed.

#### M. **FAMILY BREAK-UP**

The PHA has the authority to decide which family member(s) continue to reside in the unit should the family break-up. Since in most cases this situation can be very delicate, the PHA will make the decision on a case-by-case basis as to who will continue to reside in the unit. In making the decision, the PHA will consider the interest of any minor children, or of ill, elderly or disabled family members and remaining family members, or if a family member was forced to leave the unit as a result of actual or threatened physical violence against any family member by a spouse or other household member.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the PHA is bound by the court's determination of which family members continue to receive assistance in the program.

#### N. **CLARIFICATION OF CERTAIN DEFINITIONS AND TERMS**

1. **Adult Family Member:** Head and spouse, regardless of age or student status; and all other family members who are 18 years of age or older.
2. **Gross Wages and Salaries, Overtime Pay, Commission and Fees:**
  - A construction worker's gross salary and overtime pay
  - A sales person's gross salary plus commission
  - Tips and bonuses — A waiter's gross salary plus tips
  - A factory worker's gross salary plus Christmas bonus
3. **Interest, Dividends and Net Income from Real or Personal Assets:** Dividends and stocks; interest on passbook savings accounts; interest on certificates of deposit; net income, after expenses, for rental property.



In determining net income from the operation of a business or profession, the PHA may deduct an allowance for depreciation on property used in a business or profession. The depreciation allowance must be based on the straight-line method or depreciation used for tax purposes under the Internal Revenue Service requirements.

Withdrawals of cash or assets from the operation of a business or profession are included in income unless they are reimbursement of cash or assets invested by the family.

Business assets are not considered in determining the value of net family assets; however, if business assets have been disposed of for less than fair market value in the two years preceding the effective date of the reexamination or move-in, the difference between the amount realized and the fair market value is included in net family assets. In this regard, business assets are treated the same as any other family assets.

4. **Where the Family has Net Family Assets in Excess of \$5,000:** Annual income includes the greater of actual income derived from the assets or a percentage of the value of assets based on the current passbook rate as determined by HUD, such as real estate, land, and cash on hand.
5. **The full amount of periodic payments received from Social Security, annuities, insurance, retirement funds, pensions, disability or death benefits, and similar types of periodic receipts.**
  - All Social Security payments to any family member
  - A state employee's pension or retirement
  - A widow's insurance benefit
6. **Payment in Lieu of Earnings**
  - Unemployment benefits
  - Workmen's compensation
  - Welfare Assistance
  - Aid to Families with Dependent children
  - General Welfare Assistance

7. **Periodic and Determinable Allowances:** Alimony, child support payments, the regular and consistent amount a son gives his mother each month.
8. **All regular pay and allowances of a member of the armed forces.** The salary of a sailor presently at sea with the Navy; the salary of an Army private in basic training.
9. **Assets disposed of within two (2) years of the admission or certification date for less than fair market value** with some exceptions such as:
  - Selling a house for \$1.00 when the market value is \$25,000;
  - Casual, sporadic or irregular gifts; and
  - A cash gift given to an elderly father by his son on his birthday.THESE DO NOT COUNT AS INCOME!
10. **Amounts of educational scholarships paid directly to the student or to the education institution, and amounts paid by the government to a veteran for use in meeting the cost of tuition, fees, books and equipment, materials, supplies, transportation and miscellaneous personal expenses.** The PHA must disregard the entire scholarship in determining the family's income.
11. **Payments received for the care of foster children are not counted.**

There is no minimum income requirement, but the PHA staff should use good interviewing skills to determine if there is income not being reported. Families may not be required to apply for public assistance but the staff may suggest it. If the family reports "no income" the PHA staff will require the family to sign verification forms to verify that no income is being provided.

#### **O. COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENTS**

1. **Participation:** Except for residents exempted below, each adult resident of a public housing development shall contribute eight hours per month of community service (not including political activities), or participate in an economic self-sufficiency program for eight hours per month.
2. **Effective date of participation:** This requirement is effective for all nonexempt residents following execution of a lease, containing these provisions, by the family head of household.

3. **PHA Obligations:**

- a. The PHA will develop a local policy outlining the administration of the community service and economic self-sufficiency program. PHA will provide written notification of the provisions of this policy requirement to all residents. The notice will describe the requirements, identify who is exempt and how exemption will be verified. The notice will state when the requirement is effective, as well as the obligations and responsibilities of adult family members, and the consequences of non-compliance.
- b. PHA will determine for each public housing family which family members are to subject to or exempt from the community service and self-sufficiency requirement and approve the resident's planned activities to fulfill the requirement.
- c. No more or less frequently than annually, PHA will review and determine the compliance of residents with the requirement at least 30 days before the lease term expires; and determine any changes to each adult family member's exempt or nonexempt status.
- d. PHA will remain reasonable documentation of community service participation or exemption in participant files.
- e. PHA will assure that civil rights requirements will be followed.

4. **Determining Resident Compliance:** If the PHA determines that a resident who is not an exempt individual has not complied with the community service requirement, the PHA will notify the resident:

- a. of the noncompliance;
- b. that the determination is subject to the PHA's administrative grievance procedure;
- c. that unless the resident enters into an agreement under paragraph (D) of this section below, the lease of the family of which the noncompliant adult is a member may not be renewed. However, if the noncompliant adult moves from the unit, the lease may be renewed.

d. That before the expiration of the lease term, the PHA must offer the resident an opportunity to cure the noncompliance during the next twelve month period; such a cure includes a written agreement by the noncompliant adult to complete as many additional hours of community service or economic self-sufficiency activity needed to make up the total number of hours required over the 12 month term of the lease.

5. **Prohibition against replacement of employees.** In implementing the community service requirement, the PHA will not substitute community service work ordinarily performed by public housing employees or replace a job at any location where community work requirements are performed.
6. **Third-party coordinating.** PHA will administer the community service directly and through partnerships with qualified organizations, including resident organizations, or agencies or institutions with a community mission such as the family "Y", Boys and Girls Club, School System, Drug Program, Churches, City/County Government and others as needed.

The PHA will ensure that the community service programs that are based directly or through partnerships with qualified organizations or through contracts with such organizations are accessible to persons with disabilities.

7. **Definitions:**
- a. **Exempt individual.** An adult who:
- is 62 years or older;
  - has a vision impairment or other person with disabilities, as defined under the Social Security Act (42 U.S.C. 416(i)(1), 1382c), and who is unable to comply with the requirements of this section, or is a primary caretaker of such individual;
  - is engaged in a work activity as defined under section 407(d) of the Social Security Act (42 U.S.C. 507(d)), as in effect on and after July 1, 1997
  - meets the requirements for being exempted from having to engage in a work activity under the State Program funded under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of

the State in which PHA is located, including a State administered welfare to work program; or

— is in a family receiving assistance under a State Program funded under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of North Carolina, 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.

- b. **Community Service.** 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, or/and increase the self-responsibility of the resident within the community in which the resident resides. Political activity is excluded.
- c. **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 (such as substance abuse or mental health treatment).

#### **P. MISSED APPOINTMENTS**

An applicant or resident who fails to keep an appointment without notifying the PHA and without rescheduling the appointment shall be sent a notice of termination of the applicable process, such as, failure to supply such certification, release of information, or documentation, as the PHA or HUD determines to be necessary; or failure to allow the PHA to inspect the unit at reasonable times after reasonable notice, if applicable). Examples:

- Completion of Application
- Submission of Verification Information
- Orientation/Counseling Sessions
- Leasing Execution
- Inspection

- Reexamination
- Interim Redetermination
- Move-In Appointments
- Other Appointments to furnish documentation as listed herein this Policy

The family may be given two (2) appointments for most of the functions listed above. If the family does not appear or call to reschedule the required appointment(s), the PHA may begin termination procedures. The applicant/resident will be given an opportunity for an informal meeting or hearing, as appropriate, pursuant to the grievance process.

If an applicant states that they did not receive a letter mailed by the PHA that the 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, it will be assumed that the family received the letter.

If the letter was returned to the PHA and the applicant can provide evidence that they were living at the address to which the letter was sent, the applicant will be reinstated with the date and time of the application in effect at the time the letter was sent.

Applicants must notify the PHA in writing if their address changes during the application process.

#### **Q. DECONCENTRATION POLICY**

This policy outlines the PHA's strategy for deconcentration of poverty and income-mixing in each development. The PHA is taking various measures to implement a deconcentration and income mixing admissions strategy. Adoption of this policy along with giving a preference to "working families" will eventually result in an income mix that will help us to meet our goals.

Placing higher income residents into lower income development and lower income residents into higher income developments will require concentrated efforts on our entire staff. This will not be achieved overnight, but PHA will continually work toward meeting this goal.

In implementation of this program, we will not concentrate the most economically and socially deprived families in one or all of the poorest PHA developments. We will work with social agencies and our community services staff in offering counseling to residents who may

be in need of these services. We will also work with our residents in establishing and maintaining a viable resident council who will have input into making this program work. The residents can encourage would-be residents to participate and the residents also can be role models for prospective residents in their developments. Residents who have skills in housekeeping, budgeting, childcare, and other areas can work with residents who can benefit from these skills, and by so doing, will help us to reach our goal of an economic and social mix in all of our developments.

The income of residents in each development and the income of applicants on the waiting list will be reviewed and compared with incomes of census tracts in which the developments are located. This will help in determining what steps are to be taken in developing and maintaining an income mix in each development. Many of the applicants applying for admission to PHA housing are in the lowest income range which calls for accurate planning in order to obtain an income and social mix in our developments. Therefore, we will strive to obtain an income mix by admitting families who have the incomes needed in each development.

Income targeting will allow 40% of total families admitted annually to be families with incomes below 30% of area median income. These families will be placed in higher income developments as our records in each development will indicate. Therefore, the staff must keep good records in order to assure our income-mix policy is working.

In implementing our community service and economic self sufficiency programs, it will give families an opportunity to improve the quality of life, not only for themselves, but also for the other residents in each community. It will increase self-responsibility and give families a sense of self-pride. When families acquire jobs for themselves, participate in cleaning up their communities, maintaining their units in a manner, not because they are forced to do so, but because they want to do so, given a chance to go back to school, and become self-sufficient, maybe for the first time in their lives, and wanting to give back to their community by helping other less fortunate residents, then we will know that our program has finally taken root.

Another goal of this Agency is to institute a mentoring program, matching mentors with residents needing their specialties and skills, and having them to set up written goals and

objectives in furthering our program. This program will help our residents in attaining self-sufficiency and thereby attaining an improved economic status.

We do not expect these goals to be attained immediately but managers will be responsible for monitoring their assigned developments to assure that admission of low-income families in each of their developments will be in accordance with this Deconcentration Policy, and that our community service and economic self-sufficiency program is on target. Managers will maintain statistical information on at least a quarterly basis and will submit reports to the Executive Director. At the end of each PHA fiscal year, statistics will be reviewed and any needed adjustments made.

Higher income families who refuse housing in lower income developments will be passed over on the waiting list in achieving our goals. If necessary, PHA will advertise for higher income families who are willing to participate in our program, and may offer additional incentives as approved by the Board of Commissioners. PHA will continually strive to reach and maintain a diverse income and social mix in all of our developments.

#### **R. COMPLIANCE WITH EQUAL OPPORTUNITY REQUIREMENTS**

The following materials shall be maintained in the PHA office waiting room, and wherever applications are taken, on a large bulletin board and in such a manner as to be readily available to all residents and visitors:

- Statement of Admission and Continued Occupancy Policies and Procedures
- Tenant Selection and Assignment Plan
- Open Occupancy Notice
- Income Limits
- Utility Allowances
- Current Schedule of Maintenance and other Charges
- Lease
- Grievance Procedure
- Fair Housing Poster
- Equal Opportunity in Employment Poster
- Statutory Minimum and Maximum Rent Schedules



- Directory of Developments including names, perimeter streets, and number of units by bedroom size, number of units specifically designed for the elderly, addresses of management offices and office hours.
- Tenant Oriented Notices
- Compliance Procedure and addresses where complaints can be filed
- Trespass Policy
- One Strike Policy
- PHA Adopted Minimum Rent
- Pet Policy

**ATTACHMENT TO  
ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
RESTRICTIONS ON ASSISTANCE TO NONCITIZENS**

**A. EFFECTIVE DATE**

June 19, 1995, revised by an interim rule issued November 29, 1996, and a final rule effective July 11, 1999, and codified in 24 CFR Part 5 Subpart E of HUD regulations.

**B. PURPOSE**

The purpose of the regulation is to provide implementation procedures; ensure only citizens, nationals, and certain categories of eligible immigrants are assisted; and to preserve family status.

**C. NOTIFICATION REQUIREMENTS**

All families must be notified of the requirement to provide verification of their citizenship status:

1. New applicants must be notified when they apply.
2. Applicants already on the waiting list must be notified within a reasonable time period.
3. This rule applies to all assisted families, regardless of any documentation of the person's identity, which may have been previously obtained by the PHA as a program requirement. (Birth Certificate and other forms of identification)

**D. ELIGIBILITY FOR ASSISTANCE**

To determine the family type and eligibility status of any family, the eligibility of each individual in the family must be established first. Individuals will fall into one of the following categories:

1. Citizens;
2. Eligible immigrants 62 years or older, assisted on or before 6/19/95;
3. Other eligible immigrants;
4. Ineligible;
5. Noncitizen students on student VISA.

## **E. HOUSEHOLD CATEGORIES**

When the status of each person has been determined, households will fall into one of the following categories:

1. All members are citizens (Eligible);
2. All members are eligible immigrants (Eligible);
3. All members are either citizens or eligible immigrants (Mixed family);
4. Some members are eligible and some are ineligible (Mixed family);
5. All members are ineligible immigrants (Ineligible).

The determination of household type is based on the following individual determinations:

- a. An Eligible household will be comprised of citizen(s), or noncitizen(s) with eligible immigrant status;
- b. An Ineligible household will be comprised of one or more noncitizen(s) with ineligible status;
- c. Mixed Families are comprised of citizen(s) and noncitizen(s) with eligible or ineligible immigrant status.

## **F. VERIFICATION REQUIREMENTS**

A declaration of citizenship or eligible immigrant status by the persons in the household is all that is required by law for:

1. Persons who claim citizenship status by executing a signed declaration (Section 214 status);
2. Persons 62 and older who claim eligible immigration status and were receiving assistance as of 6/1/95 by executing a signed declaration (verify age);
3. Persons who declare themselves ineligible or don't contend eligibility status. Verification is required by law for all noncitizens who claim eligible immigration status.

Noncitizens 62 and over who were receiving assistance as of 9/30/96, or who were 62 and over and applied for assistance after 9/30/96, must sign a declaration of eligible immigration status and provide proof of age document.

## **G. DOCUMENTATION REQUIRED**

### **PHA Documents:**

1. Declaration of Section 214 Status;
2. Verification Consent Form;
3. Listing of Non-Contending Family Member(s);
4. Notice of Section 214 Requirements.

### **Eligible Immigration Documents (Originals Only/Photocopy front and back)**

1. Resident Alien Card (I-551)
2. Alien Registration Receipt Card (I-151)  
Expired Alien Registration Card (152) does not necessarily mean that immigrants are in the U.S. illegally. INS is requesting that the I-151 is replaced with the I-551 card, and some residents have not had their cards replaced yet.
3. Arrival-Departure Record (I-94)
4. Temporary Resident Card (I-688)
5. Employment Authorization Card (I-588B)
6. Immigration and Naturalization Service (INS) Receipt for a replacement card.

## **H. VERIFICATION PROCESS FOR ELIGIBLE IMMIGRANTS**

1. Primary Verification through INS SAVE System
2. Secondary Verification through INS Local Office
3. INS
4. PHA Appeal
5. If family is eligible at any point, STOP and determine family status.

## **I. CALCULATION OF PRORATED ASSISTANCE**

The methodology for the Proration of Assistance depends on the assistance program and the household type.

## **J. SUSPENSION OF ASSISTANCE**

The PHA will suspend assistance for at least 24 months to a family that knowingly permits an ineligible individual to reside on a permanent basis in the family unit.