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**CITY OF ALBEMARLE**

**DEPARTMENT OF PUBLIC HOUSING**

***ADMISSIONS AND CONTINUED OCCUPANCY POLICY***

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**JULY 2015**

**TABLE OF CONTENTS**

A. INTRODUCTION ..... A-1

B. DEFINITIONS

FAMILY ..... B-1

ANNUAL INCOME ..... B-3

TOTAL TENANT PAYMENT ..... B-8

OTHER ..... B-9

PREFERENCES ..... B-13

C. ADMISSIONS

ADMISSIONS POLICIES ..... C-1

OUTREACH TO HIGHER INCOME FAMILIES ..... C-2

APPLICATION TAKING ..... C-4

ELIGIBILITY CRITERIA ..... C-6

SCREENING ..... C-10

RECORDS MANAGEMENT AND CONFIDENTIALITY ..... C-12

VERIFICATION OF INCOME AND CIRCUMSTANCES ..... C-13

DETERMINATION AND NOTIFICATION OF ELIGIBILITY ..... C-17

OCCUPANCY STANDARDS ..... C-19

APPLICANT SELECTION AND ASSIGNMENT PLAN ..... C-21

FLAT RENTS ..... C-24

LEASING OF DWELLING UNITS ..... C-25

ADMISSION OF ADDITIONAL MEMBERS TO A CURRENT HOUSEHOLD .... C-27

APPROVAL PROCESS FOR RESIDENTS REQUESTING PERMISSION TO  
OPERATE A BUSINESS IN THE UNIT ..... C-28

SPECIAL OCCUPANCY PROVISIONS ..... C-29

D. CONTINUED OCCUPANCY

ELIGIBILITY FOR CONTINUED OCCUPANCY ..... D-1

INSPECTIONS AND REEXAMINATIONS ..... D-4

TERMINATION OF THE DWELLING LEASE ..... D-9

TRANSFER POLICY ..... D-11

ABANDONMENT OF A UNIT ..... D-17

COMMUNITY SERVICE AND FAMILY SELF-SUFFICIENCY ..... D-18

E. FRAUD ..... E-1

F. RENT COLLECTION POLICY ..... F-1

APPENDIX

- A. INCOME LIMITS
- B. UTILITY ALLOWANCES
- C. GRIEVANCE PROCEDURE
- D. PET POLICY
- E. ONE STRIKE AND YOU'RE OUT POLICY
- F. FLAT RENTS
- G. DECONCENTRATION POLICY

**CITY OF ALBEMARLE**  
**DEPARTMENT OF PUBLIC HOUSING**  
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**Part A**

**INTRODUCTION**

## INTRODUCTION

### 1. Purpose of the ACO

The purpose of this policy is to establish guidelines for the Department of Public Housing staff to follow in determining eligibility for admission to and continued occupancy of public housing.

### 2. Civil Rights Policy

It is the policy of the Department of Public Housing to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063, Section 3 of the 1968 Civil Rights Act, and with all rules and regulations. Specifically, the Department of Public Housing shall not on account of race, color, sex, creed, or national origin deny any family or individuals the opportunity to apply for assistance under the Low-Rent Housing Program. Neither will the Department of Public Housing discriminate because of religion, age, physical handicap, pregnancy, parenthood, nor marital or veteran status.

To further its commitment to full compliance with applicable Civil Rights Acts, the Department of Public Housing will provide federal, state, and local information to applicant/participant households regarding discrimination and recourse in the event of discrimination. Such information will be made available during the Pre-Occupancy Briefing and all applicable forms and printed material will be made available to prospective resident families.

### 3. Privacy Policy

It is the policy of the City of Albemarle (Department of Public Housing) to facilitate the full exercise of rights conferred on individuals under the Privacy Act of 1974, 5 U.S.C 552A, and to ensure the protection of privacy of individuals about whom the Department of Public Housing maintains records under its Low-Rent Housing Program.

Therefore, the Department of Public Housing shall not disclose any personal information contained in such records by any means of communication to any person or to another agency unless the individual to whom such information pertains requests or consents to such disclosure or unless such disclosure is authorized under the applicable provisions of the Privacy Act. The Department of Public Housing has determined that disclosure under any other circumstances would constitute an unwarranted invasion of privacy in violation of the Privacy Act and the United States Constitution. The Department of Public Housing shall refuse any and all requests for any unauthorized and unlawful disclosures. It is important to note that this privacy policy is applicable to the disclosure of participant information and NOT the gathering and use of information necessary to ensure full compliance with HUD regulations governing such items including, but not limited to, the following:

- determining initial and on-going eligibility
- applicable allowances and deductions
- resident rental payments
- current and past assets

- outstanding indebtedness to government as a result of prior participation in other federally-subsidized housing programs

However, no information regarding applicant/participant households will be solicited unless directly attributed to direct or implied responsibilities of the Department of Public Housing.

#### 4. Authority

Eligibility for admission to and occupancy of Low-Income Public Housing is governed by requirements of the Department of Public Housing and Urban Development, with some latitude for local policies and procedures. This Admissions and Continued Occupancy Policy (ACOP) incorporates these requirements and is binding upon applicants, residents, and the Department of Public Housing alike, the latter two through inclusion of the ACOP into the Dwelling Lease by reference. Notwithstanding the above, changes in applicable Federal law or regulations shall supersede this policy at any point in which they are in conflict.

#### 5. Objectives

The objectives of this policy are to:

- a. Promote the overall goal of drug-free, healthy, safe, affordable, decent, and sanitary housing in good neighborhoods by:
  - (i) Ensuring a social and economic mix of low-income residents within each public housing neighborhood in order to foster social stability and upward mobility;
  - (ii) Ensuring the fiscal stability of the Department of Public Housing; and,
  - (iii) Lawfully denying admissions or continued occupancy to families whose presence in a public housing neighborhood is likely to adversely affect the health, safety or welfare of other residents or the physical environment of the neighborhood.
- b. Facilitate the efficient management of the Department of Public Housing and compliance with Federal Regulations by establishing the policy basis for management procedures, record keeping, and auditing.
- c. Comply in letter and spirit with Title VI of the Civil Rights Act of 1964 and all other applicable Federal Laws and regulations to ensure that admission to and occupancy of public housing neighborhoods is conducted without regard to race, color, creed, sex or national origin.
- d. Prescribe standards and criteria for resident selection and annual reexamination of income and family composition.

#### 6. Terminology

The term "he" or "his" used throughout this document is used in the generic sense to include male/female, singular/plural as appropriate.

**CITY OF ALBEMARLE**  
**DEPARTMENT OF PUBLIC HOUSING**  
**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**Part B**

**DEFINITIONS**

## DEFINITIONS

### FAMILY

1. The term "Family" as used in this policy includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity or marital status:
  - a. A family with or without children;
  - b. An elderly family;
  - c. A near-elderly family;
  - d. A disabled family;
  - e. A displaced family;
  - f. The remaining member of a tenant family; and
  - g. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.
  
2. The term "Disabled family" as used in this policy means:

A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.
  
3. The term "Displaced family" as used in this policy means:

A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
  
4. The term "Displaced person" as used in this policy means:

A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
  
5. The term "Elderly family" as used in this policy means:

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



6. The term “Elderly person” as used in this policy means:

A person who is at least 62 years of age.

7. The term “Live-in Aide” as used in this policy means:

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

- a. Is determined to be essential to the care and well-being of the persons;
- b. Is not obligated to financially or otherwise support the person(s); and
- c. Would not be living in the unit except to provide the necessary supportive services.

8. The term “Near-elderly family” as used in this policy means:

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

9. The term “Near-elderly person” as used in this policy means:

A person who is at least 50 years of age but below the age of 62.

10. The term “Person with disabilities” as used in this policy means:

- a. Has a disability as defined in section 223 of the Social Security Act;
- b. Has a physical, mental, or emotional impairment that:
  - (i) Is expected to be of a long-continued and indefinite duration;
  - (ii) Substantially impedes his or her ability to live independently; and
  - (iii) Is of such a nature that such ability could be improved by more suitable housing conditions; or
- c. Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).
- d. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependence.

## ANNUAL INCOME

### 1. Income

Income is defined by the Secretary of HUD at 24 CFR 5.609 and amplified in this policy in those areas within the discretion of the Department of Public Housing.

### 2. 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 exclusive of income that is temporary, nonrecurring, sporadic, and exclusive of certain other types of income specified in this policy; and, amounts derived during the 12-month period from assets to which any member of the family has access.

#### a. Annual Income includes, but is not limited to:

- (i) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (ii) 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 Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family;
- (iii) 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 (ii) above 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;

- (iv) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (except as provided in b. (xii) below);
- (v) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (see "lump sum additions" in b. (iii) below);
- (vi) Welfare assistance payments;
  - (a) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments qualify as assistance under the TANF program definition at 45 CFR 260.31 and are not otherwise excluded in Section b. below.
  - (b) 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 income 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 section shall be the amount resulting from one application of the percentage.
- (vii) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or persons not residing in the dwelling.
- (viii) All regular pay, special pay and allowances of a member of the Armed Forces (whether or not living in the dwelling, see b. (vii) below);

b. Annual Income does not include:

- (i) Income from employment of children (including foster children) under the age of 18 years;
- (ii) Payments received for the care of foster children or foster adults;
- (iii) 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 (see a. (v) above);

- (iv) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (v) Income of a Live-in Aide, as defined in 24 CFR §5.403;
- (vi) Amounts of educational scholarships paid directly to the student or the educational institution, and amounts paid by the Government to a veteran, for use in meeting the costs of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student. Any amount of such scholarship or payment to a veteran not used for the above purposes that are available for subsistence is to be included in income;
- (vii) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (viii)
  - (a) Amounts received under training programs funded by HUD;
  - (b) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - (c) 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;
  - (d) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. No resident shall receive more than one such stipend during the same period of time;
  - (e) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs 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;
- (ix) Temporary, nonrecurring or sporadic income (including gifts);
- (x) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- (xi) Earnings in excess of \$480 for each full-time student 18 years old or older, excluding the head of household and spouse;

- (xii) Adoption assistance payments in excess of \$480 per adopted child;
- (xiii) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts;
- (xiv) 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;
- (xv) 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;
- (xvi) Income from persons who from the Earned Income Disallowance as defined in 24 CFR 960.255. (see Section F. 10.)
- (xvii) 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. When such exclusions are mandated by Federal statute or regulation, they will become effective as prescribed by the Federal government without the necessity to amend this policy. The following is a list of types of benefits that qualify for that exclusion effective February 1998;
  - (a) Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
  - (b) The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));
  - (c) Payment to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(g), 5058);
  - (d) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626 (a));
  - (e) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
  - (f) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
  - (g) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b));

- (h) Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503 2504);
- (i) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Authority or the Court of Claims (25 U.S.C. 1407-1408) or from funds held in trust for an Indian tribe by the Secretary of the Interior (25 U.S.C. 117); and
- (j) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 that are used to cover the cost of attendance at an educational institution (See 24 CFR 215.1(c)(6), 236.3(c)(6), 813.106(c)(6), and 913.106(c)(6)).

If it is not feasible to anticipate a level of income over a 12 month period or the DOPH believes that past income is the best available indicator of expected future income, the DOPH may annualize income anticipated for a shorter period, subject to a redetermination at the end of the shorter period.

3. Monthly Income - One-twelfth of annual income. For purposes of determining priorities based on an applicant's rent as a percentage of monthly income.
4. Adjusted Income - Adjusted income means annual income of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:
  - a. \$480 for each dependent;
  - b. \$400 for any elderly or disabled family;
  - c. The amount by which 3% of the annual family income is exceeded by the sum of:
    - (i) Unreimbursed medical expenses for any elderly family or disabled family;
    - (ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of such family (including the member who is disabled) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and are able to work because of such attendant care or auxiliary apparatus.
  - d. Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education;
5. Monthly Adjusted Income - One-twelfth of adjusted income.
6. Income for Rent - "Income for Rent" for the purpose of determining rents, and for statistical reporting means adjusted income; except that annual income is to be used in determining 10 percent of gross income.

## TOTAL TENANT PAYMENT

1. Determining the Total Tenant Payment is a two-step process. Total Tenant Payment for families whose initial lease is effective on or after August 1, 1982, shall be the highest of the following rounded to the nearest dollar:
  - a. 30 percent of monthly Adjusted Income; or
  - b. 10 percent of Monthly Income;
  - c. The welfare rent, if applicable;
  - d. A minimum rent amount of \$50.

After the highest amount has been determined above, that number is compared to the ceiling rent or flat rent of the unit size that is or will be occupied by the family, and the lower of the amount determined above or the ceiling/flat rent is the Total Tenant Payment.

2. Total Tenant Payment does not include charges for excess utility consumption or other miscellaneous charges, such as maintenance charges, late charges, etc.

The Department of Public Housing provides three (3) options for any public housing dwelling unit owned, assisted or operated by the Department of Public Housing

- a. Minimum Rent: \$50;
- b. Income-Based Rent: Based on a family's income and is determined by the methods described in 1 and 2 above;
- c. Flat Rent: Based on competitive market analysis and market value of the public housing unit.

## OTHER

1. Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The Department of Public Housing will not normally determine child care expenses as necessary when the household contains an additional unemployed adult who is physically capable of caring for children.
2. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
3. Dependent: A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a Full Time Student. An unborn child shall not be considered a dependent.
4. Designated Housing: A project (or projects) or a portion of a project (or projects) that has been designated in accordance with 24 CFR Part 945.
5. Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
6. Employment: Individual who is head of household or spouse and is employed. The employment income must be countable under the U.S. Department of Public Housing and Urban Development's definition of annual income.
7. Enrolled in a Job Training Program: Individual who is head of household or spouse and is currently enrolled and participating in a job training program that prepares the applicant to enter or reenter the job market. Verification shall be required from the job training program.
8. Extremely Low-Income Family: A family's who's annual income does not exceed 30% of the area median income, as determined by HUD.
9. Graduate of Job Training Program: Individual who is head of household or spouse is a graduate of a job training program that prepares the applicant to enter or reenter the job market. Verification shall be required from the job training program.
10. Head of Household: Head of Household means the adult member of the family who is held primarily responsible and accountable for the family, particularly in regard to lease obligations.



11. Low Income Family: A family who's Annual Income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs of unusually high or low family incomes.
12. Medical Expenses: Those medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by Insurance. Medical expenses, in excess of 3% of Annual Income, are deductible from annual income for elderly and disabled families only.
13. Military Service: Military service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and since July 29, 1945, the Commissioned Corps of the United States Public Health Service.
14. Minor: A "minor" is a person less than eighteen years of age. (An unborn child may not be counted as a minor but is counted for eligibility of a single, pregnant female.) An infant is a child under the age of two. Unemancipated minors shall not be eligible for participation in the public housing program because they cannot be legally held to a contract.
15. Mixed Population Project: A public housing project, or portion of a project, that was reserved for elderly families and disabled families at its inception (and has retained that character). If the project was not so reserved at its inception, the Department of Public Housing has obtained HUD approval to give preference in tenant selection for all units in the project (or portion of a project) to elderly families and disabled families. These projects formerly were known as elderly projects.
16. Net Family Assets: "Net Family Assets" include the value of, or equity in, real property, savings, bonds, stocks, and other forms of capital investments after deducting reasonable costs that would be incurred in the disposition of such assets. The value of personal property such as furniture and automobiles is to be disregarded in the Net Assets determination. Also, the interests in Indian trust land and equity accounts in HUD homeownership programs are to be disregarded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered as an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.) In determining Net Family Assets, the Department of Public Housing shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or resident received important consideration not measurable in dollar terms.
17. Spouse: Spouse means the husband or wife of the head of household.
18. Stalking: To follow, pursue or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily

injury to, or to cause substantial emotional harm to that person, a member of the immediate family of that person, or the spouse or intimate partner of that person. The term "immediate family member" means, with respect to a person--

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

19. Tenant Rent: The amount payable monthly by the Family as rent to the Department of Public Housing. Where all utilities (except telephone) and other essential housing services are supplied by the Department of Public Housing, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the Department of Public Housing and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance. (Tenant Rent is a term established and defined by 24 CFR (§913) and as such, is occasionally awkward in ordinary usage. For this reason, the term "Tenant Rent" is used interchangeably with "rent" elsewhere in this ACOP to refer to the net monthly payment by the family to Department of Public Housing. The only exception is the term "rent" as defined in this policy in reference to admission priorities based on an applicant's rent as a percentage of monthly income).
20. Rent: For purposes of determining whether an applicant is entitled to a priority for public housing admission based on current rent as a percentage of monthly income (if applicable), rent is defined as the actual amount due, calculated on a monthly basis, under a lease or rental agreement between a family and the family's current landlord, plus any monthly payments that a family makes toward tenant purchased utilities (except telephone) and other housing services. In calculating a family's payments toward utilities and other housing services, the Department of Public Housing will use its reasonable estimate of tenant-purchased utilities and other housing services that are normally included in rent; or if the family chooses, the family's average monthly utility costs, based on the family's utility bills furnished by the family, for the most recent 12-month period, or, where bills are not obtainable for the entire period, for an appropriate recent period.

For the purposes of calculating rent under this paragraph, amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the otherwise applicable rental amount to the extent that they are not included in the family's income.

In the case of an applicant who owns a manufactured home, but who rents the space upon which it is located, rent under this paragraph includes the monthly payment to amortize the purchase price of the home, as calculated in accordance with HUD's requirements. In the case of members of a cooperative, rent under this paragraph means the charges under the occupancy agreement between the members and the cooperative.

21. Utility: Electricity, gas, heating fuel, water and sewage services, and trash and garbage collection. Telephone service is not included as a Utility.
22. Utility Allowance: If the cost of utility (except telephone) and other housing services for an assisted unit is not included in the Total Tenant Payment but is the responsibility of the family occupying the unit, an amount equal to the estimate made by Department of Public Housing or HUD, of the monthly cost of a reasonable consumption of such utilities and other services for the

unit by an energy-conservative household of modest circumstances consistent with the requirements of a quality living environment.

23. Utility Reimbursement Payment: The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.
24. Very Low-Income Family: A family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for small and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.
25. Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by federal, state or local governments.
26. Neighborhood or Community: Any lower income Public Housing site as established in a development program, except that when sites are adjacent or within a block of each other, such sites collectively shall be considered one location.
27. Handicapped Assistance Expenses: Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled Family member and that are necessary to enable a Family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the Family nor reimbursed by an outside source.
28. Department of Public Housing/Agency: A State, County, municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized by the 1937 Housing Law, as amended, to engage in or assist in the development or operation of housing for lower income families. The term “public housing” includes dwelling units in a mixed finance project that are assisted by a public Department of Public Housing with capital or operating assistance.

## PREFERENCES

The Department of Public Housing offers the following preference for admission to public housing:

Single elderly family preference over other single families.

### Denial of Preference

A preference shall not be given to an applicant if any member of the family is a person who has been evicted from housing assisted under a 1937 Housing Act program due to drug related criminal activity.

However, a preference may be given if:

- (i) The applicant or family member evicted has successfully completed a drug rehabilitation program; or,
- (i) The applicant or family member clearly did not participate in drug related criminal activity; or,
- (ii) The Department of Public Housing determines that the applicant or family member no longer participates in any drug related criminal activity.

**CITY OF ALBEMARLE**  
**DEPARTMENT OF PUBLIC HOUSING**  
**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**Part C**  
**ADMISSIONS**

## ADMISSIONS

### 1. Non Discrimination

The Department of Public Housing will not, on account of race, color, creed, sex or national origin, deny or hinder any applicant family the opportunity to make application or lease a dwelling unit suitable to its needs in any of its developments. Neither will the Department of Public Housing discriminate because of religion, age, physical handicap, pregnancy, parenthood, or marital or veteran status.

The Department of Public Housing shall not deny admission to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission.

The selection of residents for occupancy of available units will be in conformance with all HUD guidelines and regulations and applicable Fair Housing and Equal Opportunity Requirements.

### 2. Income Targeting

The Department of Public Housing will admit for occupancy eligible families and strive for no less than 40% of available dwelling units occupied by eligible families whose incomes at the time of commencement of occupancy do not exceed 30% of the area median income.

### 3. Deconcentration

The Department of Public Housing will strive to create mixed-income communities and lessen the concentration of very-low income families within the Department of Public Housing's public housing developments through admissions policies designed to bring higher income tenants into lower income developments and lower income tenants into higher income developments. This policy shall not be construed to impose or require any specific income or racial quotas for any public housing development owned by the Department of Public Housing.

Refer to the appendix for the Deconcentration Policy.

## OUTREACH TO HIGHER INCOME FAMILIES

### 1. Outreach to Higher Income Families

The Department of Public Housing encourages program participation by higher income families. In an effort to create mixed-income communities and lessen the concentration of very-low income families within the Department of Public Housing's public housing developments, the Department of Public Housing will conduct outreach targeted to higher income working families. Outreach will include printed material, radio advertising, and television advertising of the Department of Public Housing's public housing program. Outreach may also include formal and informal discussions and meetings.

### 2. Incentives

In order to achieve deconcentration, the Department of Public Housing may choose to skip an applicant on the waiting list in order to house a family who is willing to accept a unit in a targeted development. The Department of Public Housing may also grant incentive rents (or other incentives) the purpose of creating mixed income communities and lessening the concentration of extremely-low and very-low income families in one area. The applicant family shall have sole discretion of determining whether to accept the incentive and the Department of Public Housing shall not take any adverse action toward any eligible family for choosing not to accept an incentive.

### 3. Change in Income Targeting Goals

Under the Department of Public Housing's Section 8 program, not less than 75% of participants shall be families whose incomes do not exceed 30% of the area median income. Under the provisions of HR 4194, if the Department of Public Housing exceeds this goal and has in excess of 75% of participants whose incomes do not exceed 30% of the area median, the Department of Public Housing may decrease its income targeting goal to have no less than 30% of available dwelling units occupied by eligible families whose incomes at the time of commencement of occupancy do not exceed 30% of the area median income.

#### a. Credit for Exceeding Targeting Goals

During any fiscal year, the Department of Public Housing may be credited the number of units by which the aggregate number of qualified families who in such fiscal year are initially provided tenant-based assistance under Section 8 exceeds the number of qualified families that is required for the Department of Public Housing to comply with income target requirements.

#### b. Credit Limit

The credit number of units shall not exceed the lesser of:

- (i) The number of dwelling units that is equivalent to 10% of the aggregate number of families initially provided tenant-based assistance under Section 8; or,

- (ii) The number of public housing dwelling units that:
  - (a) Are in projects that are located in census tracts having a poverty rate of 30% or more; and,
  - (b) Are made available for occupancy during such fiscal year and are actually filled only by families whose incomes at the time of occupancy exceed 30% of the area median income.



## APPLICATION TAKING

### The Application Process

All admissions to public housing shall be made on the basis of a personal interview where an application is completed by the applicant family and Department of Public Housing personnel. The Application for Admission shall constitute the basic legal record of each family applying for admission and shall support the Department of Public Housing's determinations of eligibility status, priority status, rent, and size of unit for which the applicant is qualified. All supplemental materials pertaining to eligibility shall be considered a part of the application record and carefully recorded. This includes verifications of income and family composition and such other data as may be required. The following conditions shall govern the taking and processing of applications:

1. Applicants will be required to come into the office and sign the sign-in register with the date and time and complete a full application with a housing representative on the Department of Public Housing's computer system. Applicants shall complete and sign the application and certify, subject to civil and criminal penalties, to the accuracy of all statements made therein. The Department of Public Housing reserves the right to require the signature of any or all adult members of the applicant household. The Department of Public Housing will make any reasonable accommodations for applicants with physical disabilities that might preclude them from coming into the office.
2. Applicants will be required to submit verification documentation as part of the application process. Applicants will be given a list of required verifications at the time of their interview with designated Department of Public Housing personnel for the purpose of determining eligibility.
3. Should applicants fail to provide required verification documentation within the time frame established by the Department of Public Housing, their case will be placed in an inactive status and will be required to reapply during the next enrollment period.
4. The Department of Public Housing reserves the right to suspend application taking when the current supply of completed full applications exceeds the number of families that could be reasonably expected to be housed within the next twelve months.
5. The Department of Public Housing will normally take applications from a central location which will allow for processing by staff persons knowledgeable of the rules and regulations governing resident selection and assignment, but reserves the right to establish satellite locations for application taking.
6. The Department of Public Housing reserves the right to establish times for taking applications, including by appointment. The Department of Public Housing staff may, at its discretion, provide for application interviews outside normal hours when necessary for hardship reasons.
7. Insofar as possible, application interviews shall be conducted in private.
8. Applications shall be updated as applicants report changes in income and family circumstances. All modifications to applications shall be properly documented and the transaction initialed by the staff member making the change.

9. All active applications will be purged no less than once every 12 to 18 months. Notification shall be sent to each applicant informing him/her that unless he/she confirms his/her continued interest, his/her application will be retired from the active file. Returned notification will be attached to the respective application as evidence of unsuccessful effort to locate the applicant. All applicants will be instructed to notify the Department of Public Housing whenever there is a change in family composition, income, address, and any other factors relative to their eligibility status. Applicants should notify the Department of Public Housing if he/she no longer desires consideration for public housing.
10. Applicants on waiting lists for any other type of assisted housing will have no special status with respect to the Low-Rent Public Housing Program. Applicants must submit separate applications for other programs. Applicants will not lose their place on any other Department of Public Housing waiting list should they make an application for “Low-Rent” public housing. This right will be explained to each applicant who might have previously filed an application for a dwelling unit through any other Department of Public Housing program.
11. The Department of Public Housing shall maintain such records as are necessary to document the disposition of all applications and to meet Department of Public Housing and Urban Development audit requirements.

## **ELIGIBILITY CRITERIA**

1. The Department of Public Housing shall use the guidelines and procedures prescribed by HUD at the time of applicant processing to make a final determination of household eligibility.
2. All families who are admitted to Public Housing must be individually determined eligible under the terms of this policy. In order to be determined eligible, an applicant family must meet ALL of the following requirements:
  - a. The applicant family must qualify as a family as defined in Section B.
  - b. The single person applicant must qualify as a single person as defined in Section B.
  - c. The applicant's Annual Income as defined in Section B (HUD Secretary's definition) must not exceed income limits established by the Department of Public Housing and Urban Development for Public Housing in the County of Department of Public Housing jurisdiction.
  - d. The applicant family must conform to the Occupancy Standards contained in this policy regarding unit size and type.
  - e. The applicant must have a satisfactory record in meeting past financial obligations, especially in payment of rent. In situations where an unsatisfactory record is obtained the Department of Public Housing shall take into consideration extenuating circumstances such as illness, or other incidents beyond the control of the applicant.
  - f. Section 214 of the Housing and Community Development Act of 1980, as amended, prohibits the Secretary of the Department of Public Housing and Urban Development (HUD) from making financial assistance available to persons who are other than United States Citizens, nationals, or certain categories of eligible non-citizens either applying to or residing in specified Section 214 covered programs. Section 214 programs include: Public Housing, Section 8 Rental Certificate Program and Section 8 Rental Voucher Program.
  - g. Any tenant evicted from federally assisted housing by reason of drug-related criminal activity shall not be eligible for federally assisted housing during the 3-year period beginning from the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the Department of Public Housing, and/or if the circumstances leading to eviction no longer exist.
  - h. The Department of Public Housing shall prohibit admission for any household member who the Department of Public Housing determines is illegally using a controlled substance, or determines that a household member's illegal use, or pattern of illegal use, of a controlled substance, or abuse, or pattern of abuse, of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. QWHRA further stipulates that individuals convicted of manufacturing or producing methamphetamine (speed) will be permanently denied admission to public housing and a current resident's tenancy will be immediately and permanently terminated if convicted of manufacturing or producing methamphetamine.

In determining whether to deny admission to the Department of Public Housing any household based on a pattern of abuse of alcohol by a household member, the Department of Public Housing may consider whether such a household member:

- (i) Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);
  - (ii) Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of controlled substance or abuse of alcohol (as applicable); or
  - (iii) Is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).
- i. The Department of Public Housing shall prohibit admission for any applicant or member of the applicant's household who the Department of Public Housing determines is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any drug-related or violent criminal activity or other criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents or Department of Public Housing staff. A reasonable time period will be deemed to be five (5) years prior to the date of application for Public Housing.
- j. The Department of Public Housing shall prohibit admission for any applicant or member of the applicant's household that the Department of Public Housing determines is subject to a lifetime registration requirement under a state sex offender registration program.
- k. The applicant family must have no record of disturbance of neighbors, destruction of property, unsafe living habits, unsanitary housekeeping practices, substance abuse, or any other history which may be reasonably expected to adversely affect:
- (i) The health, safety, or welfare of other residents;
  - (ii) The peaceful enjoyment of the neighborhood by other residents; or
  - (iii) The physical environment and fiscal stability of the neighborhood.
- l. The applicant family must not have a record of grossly unsanitary or hazardous housekeeping. This includes the creation of a fire hazard through acts such as the hoarding of rags and papers; severe damage to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage improperly; or serious neglect of the premises. In a case where a qualified agency is working with the applicant family to improve its housekeeping and the agency reports that the applicant family shows potential for improvement, decision as to eligibility shall be reached after referral to and recommendation by the Director or his/her designee. This category does not include applicant families whose housekeeping is found to be superficially unclean or lacks orderliness, where such conditions do not create a problem for the neighbors.

- m. The applicant family must be able to demonstrate capacity to discharge all lease obligations. This determination shall be made on a case by case basis and shall not be used to exclude a particular group by age, handicap, etc. In determining the applicant family's capacity to discharge all lease obligations the HA must consider the family's ability to secure outside assistance in meeting those obligations.
- n. If the applicant is a former resident of public housing or Section 8 housing programs administered by an agency, the applicant family must have a satisfactory record in meeting financial and other lease obligations. A former resident who owes a move out balance to the Department of Public Housing will not be considered for re-admission until the account is paid in full and reasonable assurance is obtained of the applicant's ability to meet his or her rent obligations.
- o. The applicant must not have a history of non-compliance with rental agreements including failure to comply with the terms of the rental agreements on prior residences, such as providing shelter to unauthorized persons, keeping pets or other acts in violation of rules and regulations, and painting or decorating without permission of the owner.

Any applicant who has been evicted from a public housing program or terminated from a Section 8 Rental Program shall not be eligible to receive any type of housing assistance for three (3) years.

- p. The applicant family must have properly completed all application requirements, including verifications. Misrepresentation of income, family composition or any other information affecting eligibility, rent, unit size, neighborhood assignment, etc. will result in the family being declared ineligible. In the event the misrepresentation is discovered after admission, the family may be subsequently evicted, even if the family meets current eligibility criteria at that time.
  - q. Other factors affecting a final determination of eligibility include:
    - (i) Household has no outstanding indebtedness to the Department of Public Housing, any other federal housing program, or the City of Albemarle;
    - (ii) Family will occupy unit as their sole place of residence.
  - r. After meeting all other eligibility requirements, the applicant must attend at least one (1) lease briefing sponsored by the Department of Public Housing. After three (3) attempts to notify the applicant in writing of a lease briefing and applicant has failed to attend or notify the Public Housing Department of circumstances that prohibited applicant from attending the lease briefing, the applicant will be removed from the active public housing waiting list and placed in an inactive file. Applicant must reapply once they are placed in the inactive file.
3. Substance abuse as described in this policy and drug-related criminal activity as described in this policy shall include, but not be limited to, the illegal manufacture, sale, distribution, use, or possession, including drug paraphernalia, with intent to manufacture, sell, distribute, or use, of a

controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802), and Section 428 of the FY 1999 HUD Appropriations Act).

4. Sources of information for eligibility determination may include, but are not limited to, the applicant (by means of interviews or home visits), landlords, employers, family social workers, parole officers, court records, drug treatment centers, clinics, physicians or police departments where warranted by the particular circumstances. Information relative to the acceptance or rejection of an applicant shall be documented in accordance with Part C; Verification, and placed in the applicant's file. Such documentation may include reports of interviews, letters or written summaries of telephone conversations with reliable sources. At a minimum, such reports shall indicate the date, the source of information, including the name and title of the individual contacted, and a summary of the information received.
5. In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct or to factors that might indicate a reasonable probability of favorable future conduct or financial prospects. For example:
  - a. Evidence of rehabilitation.
  - b. Evidence of the applicant family's participation or willingness to participate in social services or other appropriate counseling service programs and the availability of such programs.
  - c. Evidence of the applicant family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.
  - d. In the case of applicants whose capacity for independent living and discharge of lease obligations is in question, the resources actually available in support of the family, such as visiting nurses, homemakers or Live-In caretakers.
6. An otherwise ineligible handicapped applicant shall be eligible for admission if the problem resulting in the ineligibility can be addressed through reasonable accommodations.
7. Tenancy at properties for elderly and/or handicapped persons will be based upon the applicant's ability to live independently or to live independently with limited supportive services.
8. The Department of Public Housing will not unnecessarily segregate individuals with handicaps to particular areas or developments. The Department of Public Housing will provide assistance to enable all individuals with handicaps to meet legal requirements; for example, the Department of Public Housing could provide interpreters, Braille or taped versions of leases, recertifications and other legal documents, whatever is appropriate.
9. In the event an individual is refused housing based on one or more of the above screening criteria, he/she may request an informal hearing or appeal to the Director in writing.
10. The Department of Public Housing may use discretion in allowing applicants the opportunity to resolve any outstanding issues that might otherwise disqualify the applicant from being placed on the waiting list.

## SCREENING

1. Under section 575 of the Quality Housing and Work Responsibility Act of 1998, the Department of Public Housing will require, as a condition of providing admission to the Department of Public Housing, that each adult member of the household provide a signed, written, authorization for the Department of Public Housing to obtain records regarding such member of the household from the National Crime Information Center, police department, and other law enforcement agencies.
2. Under section 578 of the Quality Housing and Work Responsibility Act of 1998, the Department of Public Housing will require, as a condition of providing admission to the Department of Public Housing, that each adult member of the household provide a signed, written, authorization for the Department of Public Housing to obtain records from state and local agencies to determine whether an applicant is subject to a lifetime registration requirement under a state sex offender registration program.

Before an adverse action is taken with respect to an applicant for occupancy on the basis of criminal history or that an individual is subject to a lifetime registration requirement under a state sex offender registration program, the Department of Public Housing shall provide the applicant with a copy of the registration information and an opportunity to dispute the accuracy and relevance of that information.

3. Under section 575 of the Quality Housing and Work Responsibility Act of 1998, the Department of Public Housing, notwithstanding any other provision of law other than the Public Health Service Act (42 USC 201 et seq), will require each person who applies for admission to the Department of Public Housing to sign one or more forms of written consent authorizing the Department of Public Housing to receive information from a drug abuse treatment facility that is solely related to whether the applicant is currently engaging in the illegal use of controlled substances. In a formal written consent, the Department of Public Housing shall request only whether the drug abuse treatment facility has reasonable cause to believe that the applicant is currently engaging in the illegal use of a controlled substance.

The Department of Public Housing shall make an inquiry to a drug treatment facility if the Department of Public Housing receives information from the criminal record of the applicant that indicates evidence of prior arrest or conviction or the Department of Public Housing receives information from the records of prior tenancy of the applicant that demonstrates that the applicant engaged in the destruction of property, engaged in violent activity against another person, or interfered with the right of peaceful enjoyment of the premises of another tenant.

4. The applicant's signed written consent shall expire automatically after the Department of Public Housing has made a final decision to either approve or deny the applicant's application for admittance to public housing.
5. The term "currently engaging in the illegal use of a controlled substance" means the illegal use of a controlled substance that occurred recently enough to justify a reasonable belief that an applicant's illegal use of a controlled substance is current or that continuing illegal use of a controlled substance by the applicant is a real and ongoing problem.

6. Conditions for Denial

- a. The applicant or resident currently owes rent or other amounts to Department of Public Housing or to another agency in connection with Section 8 or Public Housing Program.
- b. The applicant has committed any fraud in connection with any federal housing assistance program.
- c. The applicant has violated any Family obligation under any Section 8 Existing Program as stated on the Certificate of Family Participation or Housing Voucher.
- d. The applicant has breached an “Agreement to Repay” any monies due the Department of Public Housing. If the applicant owes money as a prior participant, the applicant will not be accepted, nor placed on the waiting list, until payment in full has been received.
- e. The applicant has an unacceptable Police Record wherein the applicant or any member of the household who has attained the age of 18 has within the past five (5) years been convicted of a crime or has a history of criminal activity that would jeopardize the health, safety, and welfare of the community. Examples of unacceptable behavior include, but are not limited to violent behavior, confirmed drug or alcohol addiction or abuse, grossly unsanitary or hazardous housekeeping, history of disturbance of neighbors, destruction of property, or other disruptive or dangerous behavior of any family member regardless of age.
- f. INS Denial

Assistance to applicant shall be denied in accordance with the procedures for any of the following events:

- (i) Evidence of citizenship (i.e. the Declaration) and eligible immigration status is not submitted by the date specified or by the expiration of any extension granted; or,
- (ii) Evidence of citizenship and eligible immigration status is submitted on a timely basis, but INS primary and secondary verification does not verify eligible immigration status of all family members; and,
  - (a) The family does not pursue INS appeal or Department of Public Housing informal hearing rights; or,
  - (b) INS appeal and Department of Public Housing informal hearing rights are pursued, but the final appeal or hearing decisions are decided against the family member.



## RECORDS MANAGEMENT AND CONFIDENTIALITY

### 1. Records Management

- a. All records obtained for the purpose of applicant screening shall be maintained confidentially and in accordance with section 543 of the Public Health Service Act (12 USC 290dd-2) to ensure that the records are not misused or improperly disseminated and are properly destroyed.
- b. All records obtained for the purpose of applicant screening shall be:
  - (i) Maintained in the applicant file in a locked file cabinet.
  - (ii) Destroyed no less than five (5) business days after the date on which the Department of Public Housing gives final approval for an application for admission.
  - (iii) Destroyed in a timely manner if the Department of Public Housing denies the application and the date on which the statute of limitations for the commencement of a civil action from the applicant based upon that denial of admission has expired.

### 2. Confidentiality

The Department of Public Housing receiving information for the purpose of applicant screening shall not be disclosed to any person who is not an officer, employee, or authorized representative of the Department of Public Housing and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. For judicial eviction proceedings, disclosures may be made to the extent necessary.

Any officer, employee, or authorized representative of the Department of Public Housing who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of the Department of Public Housing, under false pretenses, or any officer, employee, or authorized representative of the Department of Public Housing who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and such to the fines of the state.

Any applicant or resident of the Department of Public Housing affected by negligent or knowing disclosure of information referred to in this subsection about such person by an officer, employee or authorized representative of the Department of Public Housing, which disclosure is authorized by this subsection, or any other negligent or knowing action that is inconsistent with this subsection, may bring a civil action for damages and such other relief as may be appropriate against the Department of Public Housing. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer, employee, or representative alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters.

## VERIFICATION OF INCOME AND CIRCUMSTANCES

No applicant family shall be admitted to public housing without thorough verification of income, family composition and all other factors pertaining to the applicant's eligibility, rent, unit size and type, priority rating, etc. The same type of verifications are required to process any interim or annual reexamination for public housing residents. Complete and accurate verification documentation shall be maintained for each applicant and resident. Such documentation may include, but is not limited to, the following:

1. Letters or other statements from employers and other pertinent sources giving authoritative information concerning all items and amounts of income and deductions, together with other eligibility and preference determinations;
2. Third party verification forms supplied by the Department of Public Housing and returned properly completed by employers, public welfare agencies, etc.;
3. Originals, photocopies, or carbon copies of documents in the applicant's possession which substantiate his statements, or a brief summary of the pertinent contents of such documents signed and dated by the staff member who viewed them. Such documents must be within 60 days current. No determinations will be made based upon information/documents more than two (2) months old;
4. Statements from self-employed persons, and from persons whose earnings are irregular, such as salesmen, etc., sworn to before a Notary, setting forth gross receipts, itemized expenses and net income (expenses incurred for business expansion or amortization of capital indebtedness are to be included in net income);
5. Memoranda of verification data obtained by personal interview, home visit, telephone, or other means, with source, date received, name and title of person receiving the information clearly indicated, and a summary of information received;
6. Certified birth certificates, or other substantial proof of age, to support claims to the various entitlements in these policies for each member of the household;
7. Proof of disability, or of physical impairment, if necessary to determine the applicant's eligibility as a family or entitlement to consideration under the criteria established in these policies, provided in written form by the appropriate government agency;
8. Statements from landlords, family social workers, parole officers, court records, drug treatment centers, clinics, physicians, State of North Carolina Department of Law Enforcement, county sheriff's department or police departments, where warranted in individual cases;
9. Receipts for utility services;
10. For households reporting "zero" income, HA will require statements and verification from parties who are identified as providing non-cash contributions such as groceries and clothing;
11. When verification cannot be accomplished by either form of third party verification or review of documents, the applicant/resident will be required to submit a notarized statement.

Where a notarized statement has been accepted for income determination purposes, the family will be appraised of the requirement to undergo a re-exam annually.

12. Verification of Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by federal regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending.

- a. Citizens or Nationals of the United States. A signed declaration of U.S. citizenship under penalty of perjury.
- b. Eligible Immigrants who were Participants and 62 years of age or over on June 19, 1995. A signed declaration of eligible immigration status and provide proof of age.
- c. Noncitizens with eligible immigration status. A signed declaration of status and verification consent form and original immigration documents which are copied front and back and returned to the family. The Department of Public Housing will verify the status through the INS SAVE system. If this primary verification fails to verify status, the Department of Public Housing will request within ten (10) days that the INS conduct a manual search.
- d. Ineligible family members who do not claim to be citizens or eligible immigrant must be listed on a statement of ineligible family members signed by the head of household or spouse.
- e. Noncitizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide. If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification. For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as the final verification other factors of eligibility. For participants, it is done at the first regular recertification after June 19, 1995. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated.

Extensions of Time to Provide Documents. Extensions must be given for persons who declare their eligible immigration status but need time to obtain the required documents. The length of the extension shall be based on individual circumstances. HA will allow up to sixty (60) days to provide the document or receipt issued by the INS for issuance of replacement documents.

Acceptable Documents of Eligible Immigration. The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified.

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

13. The Department of Public Housing shall require the family head and other such family members as it designates to execute a HUD-approved release and consent authorizing any depository or private source of income, or any Federal, state, or local agency to furnish or release to the Department of Public Housing and to HUD such information as Department of Public Housing or HUD determines to be necessary. Because eligibility for Federal Housing Assistance is not based on a "declaration system" but upon verification of actual income and family circumstances, the Department of Public Housing is not limited to verification of data supplied by applicants or residents. Failure of an applicant to cooperate with the Department of Public Housing in obtaining verifications will result in the application being declared incomplete and inactive. A tenant who fails to cooperate or to release information may be evicted. In addition, interim rent reductions will not be made for residents until after receipt of all required verifications. In consideration of the privacy rights of residents and applicants, the Department of Public Housing shall restrict its requests to those matters of income, family composition and other family circumstance which are related to eligibility, rent, unit size and type, admission priority rating, or other lawful determinations made by the Department of Public Housing. If the verified data as listed in this policy are not more than two months old at the time an applicant is selected for admission, and the applicant certifies by written statement that no change has occurred in his status, the data will be considered as reflecting the applicant family's status at the time of admission. If data are more than two months old, all factors are to be re-verified and findings recorded. As part of the application record of each applicant determined to be eligible for admission, the admitting officer or his supervisor shall certify that an investigation has been made of such family and that on the basis of this investigation, it has been determined that the applicant and his family meet all the conditions governing eligibility.

14. Special verification requirements for Phase-in rents

All residents who desire to claim an earned income exclusion under the Department of Public Housing's phase-in rent policy, must report the new earned income or increased income within ten (10) days after they begin. Failure to accurately and promptly report changes in employment or increased income (or other changes in income or family circumstances affecting eligibility for the same) will result in denial or loss of the earned income exclusions. If such failure results in the resident paying lower rent than he/she would have otherwise been required to pay, the resident is subject to the same penalties for any other failure to report income, including retroactive rent. Residents qualifying under the Phase -in rent program must report all changes in income within ten (10) days after they occur.

In addition to such other verification as the Department of Public Housing shall require any resident or applicant claiming an earned income exclusion to supply documentation in a form prescribed by the Department of Public Housing from employers and social services agencies, as applicable.

No resident or applicant is automatically entitled to an earned income exclusion. Determination of the eligibility for the earned income exclusion is the sole responsibility of the Department of Public Housing. Notwithstanding the above, it is the responsibility of the resident/applicant to supply the complete and accurate information which the Department of Public Housing requires to make an eligibility determination.

In the event that the Department of Public Housing determines that the information supplied by the resident and/or training agency is not adequate to determine eligibility, the Department of Public Housing may require additional information beyond that originally submitted. No exclusions will be granted until all required information is obtained and verified.

An adverse decision on the eligibility of an existing resident for an earned income exclusion may be appealed through the resident grievance procedure (subject to limitations of that procedure, especially as they pertain to the inapplicability of the procedure to policy issues), but the Department of Public Housing shall not be liable for any retroactive payments due to reversal of an initial determination.

As with other interim rent changes, any reduction in rents which result from the application of this policy shall be effective on the first day of the month following that month in which the eligibility for the deduction is determined. The Department of Public Housing shall not be liable for retroactive reductions if the resident fails to report the change within the required time period.

Rent increases resulting from expiration of the Phase-in disallowance period provided under the earned income exclusion, are effective on the first day of the following month. All other rent increases resulting from the application of this policy, are implemented in the same manner as other increases resulting from changes in income or benefits. If the resident complies in an accurate and timely manner with all reporting requirements, (including requirements to report any changes in training or employment status which affect eligibility for exclusions) any increase in rent will be effective on the first day of the second month after the income changes are reported. Failure to meet reporting requirements will result in rent increase retroactive to the date the change actually took place.

15. Summary of Verified Data: A summary of verified information shall be prepared upon receipt of all required verification documentation and shall include the following determinations:
  - a. Eligibility -- the applicant meets the definition of Family as defined in this policy and income is within the appropriate income limits for admission.
  - b. Date and time of completed application
  - c. Size of unit needed by family
  - d. Income Exclusions and Rent to be paid

## **DETERMINATION AND NOTIFICATION OF ELIGIBILITY**

1. As soon as possible after receipt of an application, the Department of Public Housing will determine the applicant family's eligibility for public housing in accordance with the provisions of this policy, and will determine whether a preference exists. In the event an applicant family is determined to be eligible, the family shall be placed on the waiting list, and informed of the time estimated before an offer of a dwelling unit will be made. If this period is estimated to be longer than one year, the applicant family shall be informed of this fact.
2. Apparently eligible applicant families will be notified that its eligibility determination is tentative in nature, being largely based on declarations made by the applicant family, and is subject to further reviews prior to admission.
3. In the event an applicant family is determined to be ineligible, it shall also be informed in writing of the basis for this determination. An applicant family does not have the right to use the Tenant Grievance Procedure, but will be given, upon request, the opportunity for an informal hearing to present such facts as it wishes. The applicant family will be advised that should an informal review be desired, a written request to this effect must be received by Department of Public Housing within five (5) working days of the date of the notification of ineligibility.
4. Thorough investigation of each application will be conducted during the Tenant Interview. Eligibility will be verified by the Department of Public Housing staff within the provisions of this policy. The Tenant Interview will be conducted at the time that the application is submitted for review.
5. Applicants denied a preference shall be notified in writing about the denial. The notice shall contain a brief statement of the reason(s) for the determination and state that the applicant has a right to meet with a representative of the Department of Public Housing to review the determination.
6. In all cases, the Department of Public Housing reserves the right to withdraw any determination of eligibility, tentative or otherwise, when additional information indicates that the prior determination was inappropriate.
7. Informal Review
  - a. If a request for a review is received within the specified five (5) day period, Department of Public Housing will notify the applicant, in writing, of the scheduled time and date of review.
  - b. The Department of Public Housing will appoint a Review Officer to conduct the informal review. The Review Officer shall be a Department of Public Housing employee or other designated individual who did not participate in the original determination of denial. The Review Officer shall not be a subordinate of the party who made the original decision to deny.
  - c. The applicant will be apprised that they may be represented by legal counsel or other representative at his/her own expense.

- d. The Department of Public Housing will present factual or other basis for its decision. The applicant may also present his/her position. Subject to the direction of the Review Officer, the applicant and the Department of Public Housing may offer and examine evidence and question any witnesses.
- e. The Review Officer will issue a written decision, stating the facts and/or other basis for the decision. The decision or any other issue of fact will be based solely upon evidence presented at the hearing. A copy of the decision will be furnished to the applicant.
- f. The Department of Public Housing will not be bound by a decision of the Review Officer where it is determined that the Officer exceeded his/her authority or has made a determination which is inconsistent with HUD regulations, federal statute, or state or local law that imposes obligations on applicants or residents.
- g. The record of such review/determination will be maintained by the Department of Public Housing's Central Office.

## OCCUPANCY STANDARDS

To avoid overcrowding and prevent wasted space, units are to be leased in accordance with the occupancy standards set forth below. If there should be a dwelling unit that cannot be filled with a family of appropriate size, after all possible efforts have been made to stimulate applications, a family eligible for the next smaller size unit may be offered this unit. This shall be with the understanding that the family is subject to later transfer to a unit of the proper size.

1. The following system will be used as a guide to determine proper bedroom size for each applicant and resident:
  - a. The head of each household and his/her spouse (unless medical reasons dictate) are assigned to one bedroom.
  - b. Persons of different generations, persons of the opposite sex (other than spouses) and unrelated adults will not be required to share a bedroom.
  - c. Children, with the possible exception of infants, will not be required to share a bedroom with a person of different generations, including their parents.
  - d. All remaining family members are assigned to bedrooms on the basis of two of the same sex to a bedroom (unless children are under the age of six).
  - e. At the option of the parent and written consent of the head of household, and providing such occupancy does not contradict the dwelling unit maximum occupancy standards, children of opposite sex beyond the age of six (6) and up to age ten (10) may share a bedroom.
  - f. If necessary for continued occupancy and/or admission, an infant up to the age of two (2) years could share a bedroom with a parent.
  - g. Foster children are normally included in determining unit size.
  - h. A live-in care attendant who is not a member of the family will not be required to share a bedroom with another member of the household.
  - i. Space may be provided for a child who is away at school but who lives with the family during school recesses.
2. Notwithstanding the above, the Department of Public Housing may lease one bedroom apartments to a single parent with a child provided that neither of the following two events will or are expected to occur within the next nine (9) months:
  - a. That the child sharing the parent's bedroom will turn three (3) years old; and/or
  - b. That the mother is expecting another child.



3. Upon admission, bedrooms shall be occupied by not more than two persons. For continued occupancy, exceptions to this requirement may be waived based on existing conditions affecting family members. These conditions may include one or more of the following:
  - a. Relationship of family members to one another;
  - b. Ages of household members;
  - c. Sex of persons to occupy the unit;
  - d. Handicap; or
  - e. Other individual circumstances.
4. Units shall be assigned so as not to require the use of the living room for sleeping purposes.
5. The following standards regarding the minimum and maximum number of persons who will occupy a unit will be applied within the restraints of financial solvency and program stability. The Department of Public Housing will also assign units based on the type of unit needed by the individual applicant or applicant family. This refers primarily to the family's ability to use stairs or their status as an elderly family. When it is found that the size of the dwelling is no longer suitable for the family in accordance with these standards, the family will be required to move as soon as a dwelling of appropriate size becomes available. These families will be transferred in accordance with the Transfer Policy. In the situation where a tenant requires a different size dwelling unit and the tenant has either an outstanding balance, a history of poor housekeeping standards or destruction of property, or has not been a desirable tenant the tenant will be deemed ineligible for transfer and will be referred for termination.

<u>Number of Bedrooms</u>	<u>Number of Persons</u>	
	<u>Min</u>	<u>Max</u>
0	1	2
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

## APPLICANT SELECTION AND ASSIGNMENT PLAN

### 1. Waiting List Management

Once an applicant has been determined eligible for the Program, their name will be placed on the Department's waiting list. It is the Department's policy that each eligible applicant be assigned their appropriate place on the wait list based on:

- Type and size of unit needed;
- Preference, if any; and
- Date and time the application was received.

The Department of Public Housing will select applicants for participation without discrimination based on race, color, sex, creed, or national origin nor deny any family or individuals the opportunity to apply for assistance under the Low-Rent Housing Program. Neither will the Department of Public Housing discriminate because of religion, age, physical handicap, pregnancy, parenthood, nor marital or veteran status.

The selection of residents for occupancy of available units will be in conformance with all HUD guidelines and regulations and applicable Fair Housing and Equal Opportunity Requirements.

### 2. Opening and Closing of the Waiting List

The Department reserves the right to close the waiting list when the current supply of completed full applications exceeds the number of families that could be reasonably expected to be housed within the next 12 months. The Department will publish a public notice advertising the decision to close the waiting list. When the waiting list is closed, the Department will not maintain a list of individuals who wish to be notified when the waiting list is re-opened.

Once the level of applications has reached a more manageable number, the Department will publish a Public Notice in the local paper advertising the reopening of the waiting list.

### 3. Updating the Waiting List

The Department of Public Housing shall update the waiting list annually in order to maintain the most current information. Applicants will be requested to provide the Department of Public Housing with updated information through writing. Applicants who do not respond to the request to update shall be removed from the waiting list. If the applicant's failure to respond was due to the applicant's disability, the Department of Public Housing shall provide reasonable accommodations to give the applicant an opportunity to respond.

4. Dwelling Unit Offers

To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability or familial status, the Department will use the following policy in making unit offers to qualified applicants.

- a. As an applicant moves near the top of the waiting list, the Department of Public Housing will contact the applicant family to determine continued interest, to update the application for final processing, to alert the applicant that an offer is likely in the near future, and to inform the applicant about the requirements for move-in, such as utility deposits, security deposits, etc.
- b. Upon availability for occupancy, an applicant will be offered a unit.
- c. Upon offer of an apartment, the applicant shall have five (5) days to accept or reject the apartment. An additional business day may be granted if necessary to allow the applicant to inspect the apartment. Failure to give an answer within the prescribed time period shall be counted as rejection of the offer.
- d. Upon acceptance of the offer, the applicant will then be assigned a deadline for move-in. Before the end of this period, the applicant must complete all outstanding pre-occupancy requirements, such as joint UPCS unit inspection, establishment of utility services, leasing interview, and lease execution. Failure to complete move-in requirements within the assigned period will result in withdrawal of the offer and inactivation of the application.

5. Unit Refusals

- a. Applicants will be made three (3) offers of a unit of appropriate size and type. Should the family reject the three (3) offers, the family will be placed in the inactive file along with the applicants who do not respond.
- b. Upon return to the top of the waiting list, such an applicant would be made an offer in accordance with the provisions of this policy. Upon refusal of one such offer, including any in neighborhoods previously refused, the application shall again be placed at the bottom of the waiting list.
- c. When an applicant refuses an offer of an apartment, his/her application shall be returned to the bottom of the waiting list, unless the applicant can document that a move at that time would create an undue hardship on the family which is NOT related to race, creed, sex, national origin, religion, handicap or familial status.
- d. Applicants not responding to an offer of housing by the Department of Public Housing shall be ruled ineligible and their application will be removed to the inactive/ineligible file and so documented.

- e. An applicant will have five (5) working days to accept or reject an offer of housing after receipt of notice of unit availability. Failure to respond to a notice of unit availability will be treated as a no response.

6. Good Cause for Refusal of a Dwelling Unit Offer

If an applicant is willing to accept the unit offered but, is unable to move-in at the time of the offer and presents clear evidence (“good cause”) that acceptance of the offer will result in undue hardship, the applicant will not be dropped to the bottom of the waiting list.

Examples of “good cause” for a unit offer refusal are:

- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on the application) or live-in aide necessary to the care of the principal household member; and
- The unit is inappropriate for the applicant’s disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to the 30 day notice to move.

7. Accessible Dwelling Units

When a unit that meets specific needs (e.g., a unit designed to accommodate a handicapped tenant requiring the use of a wheelchair) becomes available, that unit will be offered first to a current occupant of another unit managed by the Department having handicaps and requiring the accessibility features of the vacant unit. If no such occupant exists, the unit will be offered to the next eligible applicant on the waiting list requiring that special unit. If there are no applicants on the waiting list needing a specially designed unit, the unit will then be offered to those eligible qualified applicants in their normal sequence.

If the unit leased by a tenant family is designated for persons with disabilities and the family residing in the unit does not include a person with disabilities, the family will be required to transfer to a non-disabled unit if a family with disabilities is in need of the unit.

8. Waiting List Skipping

The Department of Public Housing may skip a higher-income eligible applicant family to the top of the waiting list if a dwelling unit in a development becomes vacant and the development requires a lower income family to meet the Department of Public Housing’s income targeting goals.

The Department of Public Housing may also skip a lower-income eligible applicant family to the top of the waiting list if a dwelling unit in a development becomes vacant and the development requires a higher income family to meet the Department of Public Housing’s income targeting goals.

### FLAT RENTS

In accordance with QHWRA, the Department of Public Housing has established the following flat rents for the authority:

Site	Bedroom Size					
	0	1	2	3	4	5
Elizabeth Heights	\$303	\$386	\$510	\$704	\$890	\$1,023
Amhurst Gardens	\$303	\$386	\$510	\$704	\$890	\$1,023

## LEASING OF DWELLING UNITS

### 1. Lease Agreement

- a. The head of the household/spouse and all adult household members age 18 years and older of each family accepted as a tenant are required to execute a lease agreement in such form as the Department of Public Housing shall require prior to actual admission. One copy of the lease will be given to the lessee and the original will be filed as part of the permanent records established for the family.

The head of household according to the Lease will be legally responsible for the family unit and will be held liable for the conduct of the family members and guests and for the needs of the family.

- b. 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 to be charged, the date rent is due and payable, other charges under the lease, and the terms of occupancy. It shall be explained in detail to the head of household or other responsible adult before execution of the lease.

- c. The lease shall be kept current at all times. If a resident family transfers to a different unit in the same or another Department of Public Housing community, the existing lease will be canceled. A new lease will be executed for the unit to which the family is to move by the head of household.

If any other change in the resident's status results in the need to change or amend any provisions of the lease, or if the Department of Public Housing desires to waive a provision with respect to the resident, (1) the existing lease is to be canceled and a new lease executed, or (2) an appropriate rider is to be prepared and executed and made a part of the existing lease.

- d. Certain documents are made part of the dwelling lease by reference. These include, but are not limited to, the Admissions and Continued Occupancy Policy (ACOP) and the Grievance Procedure.
- e. Cancellation of a tenant's lease is to be in accordance with provisions of the lease. Generally, the lease shall not be canceled or not renewed except for serious or repeated violations of its terms by the tenant. Written records shall be maintained containing the pertinent details of each eviction.
- f. Live-in Caretakers, as defined in Section B, will not be party to the lease nor will the Caretaker's income be taken into consideration in the calculation of resident rent. Families requiring Live-in-Caretaker assistance must have such assistance approved by the Department of Public Housing prior to the Caretaker's occupancy in the dwelling unit. In the event that the family vacates the unit, the Caretaker will be required to vacate as well. In no case will the Caretaker be considered the remaining member of the tenant family.

2. Security Deposit

The resident shall provide the Department of Public Housing prior to occupancy with a security deposit as designated in the Lease Agreement.

Security deposits shall be returned to the tenant within 45 days after vacating the premises if all terms, covenants, and conditions of the lease have been fully performed; or a letter of Disposition explaining why the Department of Public Housing is withholding the security deposit will be sent.

## **ADMISSION OF ADDITIONAL MEMBERS TO A CURRENT HOUSEHOLD**

1. Purpose - Population in excess of the number of persons for which a neighborhood or unit was designed is often the cause of many serious management problems including crime, vandalism, excessive maintenance costs, and low tenant satisfaction. It is with this in mind that this section of this ACOP is established.
2. Application Procedure - The resident of a household that wishes to add additional members to their household must first submit a written application, in the form prescribed by management, for approval by the Director or his/her designee.
3. Eligibility Criteria:
  - a. All new member(s) must be determined eligible in accordance with Part C eligibility criteria.
  - b. The unit in which new members are requesting admission shall not be overcrowded and shall be maintained in accordance with Part C, Occupancy Standards.
4. Application Denial. The Department of Public Housing may deny the application for any of the following reasons:
  - a. Applicant(s) do not meet Eligibility Criteria as outlined in Part C.
  - b. The dwelling unit is overcrowded or would exceed the Occupancy Standards as outlined in Part C.
  - c. Applicant(s) do not meet the criteria for family as established in Part B.
  - d. Applicant(s) are former members of resident family and have since become emancipated and are attempting to re-enter household for support or other reasons.
  - e. Other reasons as determined from time to time by the Director.
5. Additions which do not require approval of the applications. The Department of Public Housing shall not deny approval for any of the following:
  - a. Newborn infants of members currently on the lease.
  - b. Minor children of members currently on the lease who were removed from their care by court action and are being returned.
6. House Guests. Dwelling units are adequate in size for the resident family only, and house guests staying with the family for a period in excess of fourteen (14) consecutive days shall be permitted only upon advance written consent of the Housing Manager.



**APPROVAL PROCESS FOR RESIDENTS REQUESTING PERMISSION TO OPERATE  
A BUSINESS IN THE UNIT**

Prior to making a determination the resident shall request the Department of Public Housing's permission in writing and include in the request a complete outline of business activities and other data as may be requested by the Department of Public Housing. When a resident desires to operate a legal profit making business from the leased unit, the Department of Public Housing shall use the following factors in determining whether or not such activities are incidental to the primary use of the lease unit:

- a. Local Building health codes, requirements for license or governmental approval;
- b. Local Zoning Ordinances;
- c. The effect on Department of Public Housing Insurance Coverage;
- d. Utility Consumption;
- e. Possible Damage to the leased unit;
- f. Estimated traffic and parking;
- g. Disturbance of other residents;
- h. Attraction of non-residents to the neighborhoods; and,
- i. Possible use of tenant business as a cover for drug-related activities.

## **SPECIAL OCCUPANCY PROVISIONS**

### 1. Occupancy by Police Officers

The Department of Public Housing may allow a police officer (s) who is not otherwise eligible for residence in public housing to reside in a Department of Public Housing dwelling unit for the purpose of increasing security for residents of the Department of Public Housing.

A “police officer” means any person determined by the Department of Public Housing 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 thereof.

#### Terms and Conditions of Tenancy

The Department of Public Housing shall make known to federal, state, city and county law enforcement agencies within the Department of Public Housing’s jurisdiction of the Department of Public Housing’s policy to allow police officers to reside in a public housing dwelling unit. Police officers will be required to submit proof of family size and proof of full-time employment as a police officer. The police officer will be charged ceiling or flat rent for the unit. The police officer(s) will be required to sign a dwelling lease and will be bound by the provisions of the lease. Family composition and proof of employment will be re-examined not to exceed 12 months of occupancy of the unit. Loss of status of full-time employment as a police officer will result in an interim re-examination to determine income eligibility. If the resident does not meet income eligibility requirements following loss of full-time employment as a police officer, the resident will be issued a notice to vacate the unit.

Police officer(s) will be assigned vacant units within the developments stipulated above. If the development(s) is/are 100% occupied, and a police officer has completed the required paperwork for occupancy of a dwelling unit, the next available dwelling unit in the target developments will be offered to the police officer. Current residents will not be required to vacate units for occupancy by police officers unless the resident agrees to move and there is a comparable unit available for the family. In such a case, the Department of Public Housing will pay moving expenses for the family.

**CITY OF ALBEMARLE**  
**DEPARTMENT OF PUBLIC HOUSING**  
**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**Part D**  
**CONTINUED OCCUPANCY**

## ELIGIBILITY FOR CONTINUED OCCUPANCY

There is to be eligible for continued occupancy in the Department of Public Housing communities only those residents:

1. Who qualify as a family as defined by federal requirements and this policy (see definition in Part B);
2. Who conform to the Occupancy Standard established for lower income housing. (see Part C);
3. Whose past performance in meeting financial obligations, especially rent, and other charges, is satisfactory; and
4. Whose family members have no record of disturbance of neighbors, destruction of property, unsafe living habits, unsanitary housekeeping practices, substance abuse, or any other history which may be reasonably expected to adversely affect:
  - a. The health, safety, or welfare of other residents
  - b. The peaceful enjoyment of the neighborhood by other residents
  - c. The physical environment and fiscal stability of the neighborhood.
5. Whose family does not have a record of grossly unsanitary or hazardous housekeeping. This includes the creation of fire hazard through acts such as the hoarding of rags and papers; severe damage to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage improperly; or serious neglect of the premises. In cases where a qualified agency is working with the family to improve its housekeeping and the agency reports that the family shows potential for improvement, a decision as to the eligibility shall be reached after a referral with the Director or his/her designee. This category does not include families whose housekeeping is found to be superficially unclean or lacks orderliness, where such conditions do not create a problem for the neighbors;
6. Who have not been involved in drug related or criminal activity;
7. Who have not been convicted of a crime;
8. Who are not currently engaging in the use of controlled substances and/or engaging in alcohol abuse;
9. Who is not subject to a lifetime registration requirement under the state sex offender registration program;
10. Who meet the requirements for community service or participation in self-sufficiency programs;
11. Who continues to occupy the apartment on a full time basis. Ownership or occupancy of another dwelling unit or failure to occupy the unit for a period greater than thirty days shall be grounds for termination of the lease;

12. Who are, with the aide of such assistance as is actually available to the family, physically and mentally able to care for themselves and their apartment and to discharge all lease obligations. Remaining member(s) of a resident family may be permitted to remain in occupancy provided that the Department of Public Housing, in its sole judgment, determines that the remaining person(s) is (are):
  - a. Otherwise eligible for Continued Occupancy, and
  - b. Capable of carrying out all lease obligations, including but not limited to rent payment, care of the apartment, and proper conduct, and
  - c. Willing to assume all lease obligations of the prior leaseholder, including all payments under the lease, and
  - d. Legally competent to execute a lease in his (their) own name.
  
13. In the event of the receipt of unfavorable information, consideration will be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects. For example:
  - a. Evidence of rehabilitation as verified by a duly qualified professional or representative of state or local government;
  - b. Evidence of the family's participation in, or willingness to participate in, social services or appropriate counseling service programs and the availability of such programs;
  - c. Evidence of the family's willingness to attempt to increase family income and the availability of training or employment programs in the locality.

14. Citizenship/Eligible Immigration Status

In order to remain eligible for continued occupancy, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirements the status of each member of the family is considered individually before the family's status is defined.

- a. Mixed Families: A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.
  
- b. No eligible members: Families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

- c. Non-citizen students: Defined by HUD in the noncitizen regulations and are not eligible for assistance.

## INSPECTIONS AND REEXAMINATIONS

### INSPECTIONS

#### 1. Move-In Inspections

When the lease is signed, a representative of the participant family and of the Department of Public Housing maintenance staff will accomplish a physical inspection of the dwelling unit. The maintenance or management staff representative will demonstrate to the family representative the operation of the unit appliances and fixtures.

The condition of the dwelling unit will be recorded on an inspection form provided by Department of Public Housing. The inspection form will be signed by the family representative and the Department of Public Housing representative. Any repairs noted will be effectuated prior to occupancy if the repairs are of such a nature that occupancy of the unit either (1) cannot occur, or (2) the unit in its present condition is unacceptable to the family. If the repairs to be effectuated do not prohibit occupancy by the participant family, and the unit is acceptable to the family in its current condition, such repairs will be completed within thirty (30) days of move-in. A copy of the completed inspection form will be provided to the participant family and a copy will be retained in the family's occupancy file.

#### 2. Housing Quality Standards (HQS) Inspections

The Department of Public Housing shall maintain its public housing properties in a condition that complies with standards that meet or exceed the housing quality standards established by HUD. Such housing standards shall ensure that dwelling units are safe and habitable.

The Department of Public Housing shall make an annual inspection of each public housing development to determine whether units in the development are maintained in accordance with the Secretary's requirements, as well as spot inspections where there exists a threat to health and/or safety. The Department of Public Housing shall retain the results of such inspections and, upon request of the Secretary, the Inspector General for the Department of Public Housing and Urban Development, or any other auditor conducting an audit under section 5(h), shall make such results available.

HQS inspections shall be conducted using the Department of Public Housing's forms and shall document unreported maintenance problems and verify if the unit is being kept in a decent, safe, and sanitary manner. Copies of the inspection(s) will be provided to the family, noting any deficiencies to be corrected by the family or the Department of Public Housing. Where the family has been advised to take corrective action, the Department of Public Housing staff will conduct a follow-up inspection within five (5) working days, if such corrective action is of a general nature.

Where the corrective action to be taken is necessary to remedy an immediate threat to health and/or safety, the reinspection will occur within twenty-four (24) hours. Non-compliance by the family can result in termination of tenancy.

3. Move-Out Inspections

Prior to the family vacating a dwelling unit, the family will be encouraged to participate in a move-out inspection along with a member of the Department of Public Housing staff. The actual move-out inspection will not be conducted until the family has vacated the unit. The condition of the dwelling unit will be recorded on the inspection form utilized for the pre-occupancy inspection of the same dwelling unit, allowing for a comparison of pre- and post-occupancy condition comparison. Any claim against the family for tenant caused damages will be based upon this comparison.

Following move-out by the family, renovation and/or redecoration of the dwelling unit as a result of the family's occupancy will be accomplished. Charges for items of repair, renovation, and/or redecoration of the dwelling unit made necessary by abuse, negligence, or deliberate destruction by the family will be assessed against the family's security deposit. Should the security deposit prove insufficient relative to the actual cost of such repairs, Department of Public Housing management will take any and all actions at its disposal to collect the remaining balance from the family.

REEXAMINATIONS

4. Purpose

Reexaminations of income and family circumstances are conducted for the following purposes:

- a. To comply with the Federal requirements relating to annual reexaminations.
- b. To determine if each family remains eligible for continued occupancy under the terms of the lease and this policy.
- c. To determine if the unit size and type is still appropriate to the family's needs and in compliance with the Occupancy Standards.
- d. To establish the Total Tenant Payment and the tenant rent to be charged to the family.

5. Annual Reexaminations

Annual reexaminations are necessary to comply with the federal requirement that each family, excluding families paying flat rent, have its eligibility reexamined at least every twelve months. Families paying flat rents shall have its eligibility reexamined every three (3) years. Effective reexamination date is July 1 annually.

At any time, the resident may report changes in income and family circumstances to obtain an appropriate rent adjustment. Determination of resident rent will be made based upon information collected during the verification process utilizing applicable HUD forms and all appropriate worksheets and rent formulas. Such documents must be at least 120 days current. The family will be notified in writing of any changes in resident rent 30 days prior to the effective rent change.

Failure to complete reexamination is a serious lease violation that will result in termination of tenancy. Failure to complete reexamination includes:



- a. Failure to supply or cooperate in the verification process pertaining to income, family composition and eligibility and to inform and provide verification of any exclusion for rent computation such as food stamps, college grant monies, JTPA or youth employment income or employment income that results from the Work First program.
- b. Refusal to properly execute required documents.

6. Special Reexaminations

If at the time of admission, annual reexamination or interim reexamination, it is not possible to make an estimate of Family Income with any reasonable degree of accuracy because:

- a. Family member(s) are unemployed and there are not anticipated prospects of employment; or,
- b. The conditions of employment and/or income are so unstable as to invalidate usual and normal standards of determination; then a Special Reexamination will be scheduled on a date determined by the Department of Public Housing's estimate of the time required for the family's circumstances to stabilize. If at the time of the scheduled Special Reexamination, it is still not possible to make a reasonable estimate of Family Income, Special Reexaminations will continue to be scheduled until such time as a reasonable estimate of Family Income can be made and the Reexamination completed. Rent determined at Special Reexaminations shall be made effective the first of the month following the first determination. The Special Reexaminations are not to replace the Annual Reexamination.

7. Interim Reexaminations

Interim Reexaminations are performed to allow residents to comply with the dwelling lease requirements to report changes in income and family circumstances. The following are specific changes that must be reported in writing within ten (10) business days of their occurrence:

- a. Additions to the family, other than through birth of a child to a family member on the lease, must be approved by the Department of Public Housing in advance in accordance with Part C; Admission of Additional Members.
- b. Increase in income after reporting zero income.

Participants may report a decrease in income and other changes that would reduce the amount of tenant rent, such as an increase in allowances or deductions. The Department of Public Housing must calculate the change if a decrease in income is reported.

**An interim reexamination will be scheduled at least every six (6) months for families who are paying the Minimum Rent.**

- **If there is a change from benefit income to employment income, the Department of Public Housing will defer the family's rent increase for six (6) months in order to encourage families to move to self -sufficiency.**

All requests for an interim reexamination must be submitted and the reported change verified by the twenty-fifth (25<sup>th</sup>) of the month in order for a decrease in rent to be effective the first of the following month. Rent adjustments shall not be made for sporadic changes in income due to irregular work schedules of less than thirty (30) days in duration (e.g. sick days, temporary reduction in hours, etc.). Rent adjustments will be made accordingly:

- (i) Interim decreases in rent shall become effective the first month following that in which the tenant reported the change except that in the corrections of error. All changes must be reported and verified prior to the twenty-fifth (25<sup>th</sup>) day of the month in order for the decrease to be effective the first of the following month.
- (ii) If it is found that the tenant has misrepresented him/herself on the facts associated with which rent is based so that rent is less than the rent that should have been charged, then the increased rent shall be retroactive to the appropriate date.

The Department of Public Housing reserves the right to require participating families to undergo an interim reexamination to comply with changes to HUD rules and regulations.

#### 8. Processing Reexaminations

All reexaminations shall be processed under the following conditions:

- a. All data must be verified and documented as required in Part C, Verification. The Department of Public Housing will NOT adjust rent downward until satisfactory verification is received. Verification must be received by the twenty-fifth (25<sup>th</sup>) of the month in order for the decrease to be effective on the first of the following month.
- b. Lease terminations resulting from reexaminations shall be conducted in accordance with the terms of the lease.
- c. Families that are determined to be in an incorrect size or type of unit will be placed on the Transfer List in accordance with the Transfer Policy.
- d. All interim changes in tenant's rent are to be made by a standard "Notice of Rent Adjustment" which shall become a part of the lease. Changes in rent resulting from Annual Reexamination shall be incorporated into the new lease, which shall be executed by the Department of Public Housing and the tenant or by "Notice of Rent Adjustment".
- e. Interim decreases in rent shall be effective on the first day of the month following the month in which the change was reported in writing and verification is completed to the satisfaction of the Department of Public Housing, as long as the verification has been completed by the twenty-fifth (25<sup>th</sup>) day of the month.
- f. Rent increases shall be effective upon completion of annual reexamination schedules only.
- g. If it is found that a tenant has misrepresented or failed to report facts upon which his rent is based so that he is paying less than he/she should be paying, the increase in rent shall be made retroactively to the date that the increase would have taken effect. The tenant may be

required to pay within seven days of official notification by Department of Public Housing, the difference between the rent he has paid and the amount he should have paid. In addition, the tenant may be subject to civil and criminal penalties. Any misrepresentation is a serious lease violation that may result in termination of the lease.

- h. The Director of the Department of Public Housing, or his/her officially designated representative shall certify on every application for admission or continued occupancy that all claims have been verified and that the determination of the Department of Public Housing is correct.

## TERMINATION OF THE DWELLING LEASE

The Department of Public Housing shall not terminate or refuse to renew a Lease Agreement other than for serious or repeated violation of the terms of the lease, violation of applicable federal, state, or local law, or other good cause. The Dwelling Lease shall be terminated by the Department of Public Housing in accordance with applicable HUD Regulations.

1. “Good cause” as used in this Section means serious or repeated violation of material terms of the lease such as failure to make payments due under the lease or to fulfill the Resident obligations set forth in the lease.
2. The Department of Public Housing may terminate the lease for any occupancy violation of section 576(b) of the Quality Housing and Work Responsibility Act of 1998 (relating to the ineligibility of illegal drug users and alcohol abusers) or the furnishing of any false or misleading information pursuant to section 577 of such Act (relating to termination of tenancy and assistance for illegal drug users and alcohol abusers), or Section 428 relating to the conviction of manufacturing or producing methamphetamine (speed).
3. The Department of Public Housing may terminate the lease if the Department of Public Housing determines that the resident is illegally using a controlled substance or whose illegal use (or pattern of illegal use) of a controlled substance, or whose abuse (or pattern of abuse) of alcohol, is determined by the Department of Public Housing to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
4. The Department of Public Housing may terminate the lease for any activity by any household member, on or off the premises, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the Department of Public Housing.
5. The Department of Public Housing may terminate the lease for any violent or drug-related criminal activity on or off of the premises of the Department of Public Housing, or any activity resulting in a felony conviction.

The term “drug-related criminal activity”, for the purpose of this policy, means the illegal manufacture, sale, distribution, use, or possession with intent to sell, distribute, or use of a controlled substance.

The Department of Public Housing reserves the right to terminate tenancy for criminal activity before or after conviction of the crime.

6. The Department of Public Housing may terminate the lease for failure to meet community service or participation in self-sufficiency program requirements.
7. The Department of Public Housing may terminate the lease for failure to pay charges, including late charges or charges for damage to Department of Public Housing property.
8. The Department of Public Housing may terminate the lease for lying about material facts in any written Department of Public Housing statements.

9. The Department of Public Housing may terminate the lease for serious or repeated damage or destruction of Department of Public Housing property.
10. The Department of Public Housing may terminate the lease for making or keeping a threat to the health or safety of other residents or Department of Public Housing employees.
11. The Department of Public Housing may terminate the lease for failure to pay resident purchased utilities.
12. The Department of Public Housing may terminate the lease for allowing unauthorized guests to remain in the household for more than thirty (30) days per calendar year. Department of Public Housing management may find that extenuating circumstances exist, however. The Department of Public Housing will terminate the lease of any resident whose address has been used by an individual other than a member of the household as their address (e.g., driver's license, job application, etc.).
13. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of a lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence.
14. Procedure for termination of the Lease shall be as follows:
  - a. The Department of Public Housing shall give fourteen (14) days written notice of termination if said termination is caused by Resident's failure to pay rent.
  - b. The Department of Public Housing shall give a reasonable time period, but not to exceed thirty (30) days if the health or safety of other tenants, Department of Public Housing employees, or persons residing in the immediate vicinity of the premises is threatened, or in the event of any drug-related or violent criminal activity or any felony conviction, except that if the state or local law provides for a shorter period of time, such shorter period shall apply.
  - c. The Department of Public Housing shall give thirty (30) days written notice of termination in all other cases.
  - d. A written record of every lease termination shall be maintained by the Authority and shall contain the following information:
    - (i) Name and identification of the unit occupied.
    - (ii) Date and copy of Notice of Termination.
    - (iii) Specific reason(s) for Notice to Terminate.
    - (iv) Date and method of notifying tenant of reasons for lease termination.
    - (v) Summary of any conference(s) with the tenant, including names of conference participants.

## TRANSFER POLICY

Reassignment or transfers to other dwelling units shall be made without regard to race, color, or national origin.

### 1. Objectives of the Transfer Policy

- a. To fully utilize available housing resources while avoiding overcrowding by ensuring that each family occupies the appropriately sized unit.
- b. To facilitate human relocation when required for modernization or other management purposes.
- c. To eliminate vacancy loss and other expense due to unnecessary transfers.

### 2. Types of Transfers

- a. Authority Initiated - The Department of Public Housing may at its discretion transfer residents because of an uninhabitable unit, major repairs, or other actions initiated by management for the following reasons. A resident shall not be transferred to a unit that is not decent, safe, and sanitary or that has not met Housing Quality Standards. Additionally, a resident may refuse a proposed transfer for cause, such as the long distance from his/her employer.
  - (i) In the event of a fire, accident or natural disaster that results in the dwelling unit becoming uninhabitable, the resident will be offered alternative accommodations within the neighborhood if a rentable unit in the appropriate size is available. If the appropriate size is not available, the family may be overhoused but placed on the transfer list with the transfer being accomplished at the appropriate time. If no unit is available within the neighborhood, the family may be transferred to an appropriate unit available at another Department of Public Housing-owned neighborhood. If the move is to a site where residents purchase all or some utilities, the resident will pay the cost of any deposit required by the utility company.
  - (ii) When a resident is transferred because the unit has become uninhabitable, the management of the Department of Public Housing shall determine the cause of the condition of the unit for the purpose of deciding whether relocation assistance may be offered to the resident and whether the transfer shall be considered permanent. Based on this determination, the following actions will be taken:
    - (a) If the condition of the unit is the fault of the Department of Public Housing, the resident shall be provided with relocation assistance such as the cartage of household goods, the cost and methods of which are to be determined by management. The resident will normally be offered the opportunity to return to his original unit at his own expense, assuming that the unit can be rehabilitated and is still the appropriate size for the family.

- (b) If the condition of the unit is the fault of neither the Department of Public Housing nor the resident, as in the case of a natural disaster, the Department of Public Housing may provide such relocation assistance as management deems appropriate. A transfer to a correctly sized apartment will be considered permanent.
- (c) If the condition of the unit was caused by the resident, his family or guests, no relocation assistance will be provided and the resident may be charged for all damages to Department of Public Housing property. A transfer to a correctly sized apartment will be considered permanent.
- (iii) If a site requires modernization type work that necessitates vacating apartments, the affected resident will be relocated at the Department of Public Housing's expense in available vacant units within the Department of Public Housing. If determined feasible by management, the Department of Public Housing will attempt to relocate affected residents into vacant units within the site. Other decisions related to modernization transfers will be made by the Department of Public Housing City Council and the Director or his/her designee. The Department of Public Housing may suspend normal transfer procedures to facilitate modernization type activities.

b. Transfers for Approved Medical Reasons

A resident who desires to relocate on advice of a physician may request a transfer with the Department of Public Housing, however, the resident must provide the Department of Public Housing with verification from an approved physician.

c. Transfers to Appropriately Sized Unit

If a tenant's family composition NO LONGER conforms to the Department of Public Housing's Occupancy standards for the unit occupied, the Department of Public Housing may require the tenant to move into a unit of appropriate size. For families whose composition has changed to the extent that they are overhoused by two (2) or more bedrooms a transfer will be mandatory. These will be made in accordance with the following principles:

- (i) Determination of the correctly sized apartment shall be in accordance with the Department of Public Housing's Occupancy Standards.
- (ii) Transfers into the appropriately sized unit will be made within the same neighborhood unless that size unit does not exist on the site.
- (iii) The Department of Public Housing may, at its discretion, separate a single household into multiple households if sufficiently large units are not available or if management and the family determine this to be in the interest of both the family and the neighborhood. Based on the selection criteria for new admissions, management shall determine that each smaller family unit is eligible by HUD definition and contains a leaseholder capable of discharging lease obligations.

- (iv) The number of units offered to a family transferring will be one (1) unless there is a hardship situation as determined by Department of Public Housing. If the resident refuses the dwelling unit offered, the lease may be terminated by management.
- (v) Families with children in school being transferred outside their current neighborhood will not be required to move until the current school year is finished if the Department of Public Housing determined that a transfer would cause a hardship to the family.
- (vi) Transfers shall be made to correct occupancy standards and shall take precedence over new admissions.
- (vii) Upon redetermination, the resident will be notified of any transfer to another dwelling unit and that such dwelling is available by receipt of a Notice of Termination from Department of Public Housing with at least fifteen (15) days following the notice to transfer to the new dwelling.

d. Transfers for Non-handicapped Families Living in Handicapped Designated Units

- (i) The dwelling lease states what type of unit the resident family is residing in. If the unit leased is a handicapped designated unit and the tenant family occupying the unit is not a family with disabled individuals, the tenant agrees to transfer to a non-handicapped unit if and when the unit is needed for a handicapped family.
- (ii) The Department of Public Housing may from time to time have an excess of handicapped accessible units. In an effort to get the best use of all units the Department of Public Housing may from time to time rent a handicapped designated unit to a family that has no disabled members. The Department of Public Housing will advise the family of the requirements to transfer if and when a handicapped designated family is determined eligible. If the family selected for the unit decides not to accept the unit because of the requirement to move at some date in the future, the refusal shall not count against the family.
- (iii) This section establishes both that the Department of Public Housing has an obligation to transfer non-handicapped residents residing in handicapped designated units to non-handicapped designated units and that the non-handicapped families are obligated to accept such transfers. These will be made in accordance with the following principles:
  - (a) Transfers into a non-handicapped designated unit will be made within the same neighborhood unless that size unit does not exist on the site.
  - (b) Transfers to a non-handicapped designated unit may be made outside of the same neighborhood with tenant consent or unless no vacancies are expected within the same neighborhood within the next 30 days.
  - (c) Management may, at its discretion, separate a single household into multiple households if sufficiently large units are not available or if



management and the family determine this to be in the interest of both the family and the neighborhood. Based on the selection criteria for new admissions, management shall determine that each smaller family unit is eligible by HUD definition and contain a legal leaseholder capable of discharging lease obligations.

- (d) The non-handicapped family may be provided with relocation assistance such as cartage of household goods, and relocation expenses, the costs and methods of which are to be determined by management.
- (e) For the purposes of determining the priorities for transfers, this type of transfer shall be considered an Department of Public Housing initiated transfer.

The resident shall not be transferred to a dwelling unit of equal size either within a complex or between complexes, except for alleviating hardships as determined by the Director or his/her designee. Convenience Transfers will be approved only if:

- (i) The resident has a positive rental history;
- (ii) The resident has no lease violations;
- (iii) All utilities are turned on;
- (iv) The resident's history of written complaints or disturbances are minimal;
- (iv) The resident has a history of good housekeeping;
- (v) If applicable, the resident is on schedule with their work requirement.

3. Priorities for Transfers

- a. Within the eligible types of transfers, transfers shall be performed according to the following priorities:
  - (i) Department of Public Housing initiated transfers;
  - (ii) Residents who are underhoused by two bedrooms;
  - (iii) Medical transfers;
  - (iv) Residents who are overhoused by two bedrooms;
  - (v) Residents who are underhoused by one bedroom;
  - (vi) Residents who are overhoused by one bedroom.
- b. The first three priorities always have priority over new move-ins.

The remainder shall be prioritized based on the need established by the Department of Public Housing. In the case of an involuntary transfer, the date will be that on which management verifies that the change occurred. Management reserves the right to immediately transfer any family who has misrepresented family circumstances or composition. Whenever feasible, transfers will be made within a resident's current dwelling area.

4. Transfer Procedures

- a. The Director or other designated staff shall:
- (i) Prepare and prioritize a transfer list for each neighborhood monthly.
  - (ii) Notify residents by letter of their pending transfers or approval of transfer request.
  - (iii) Determine whether a vacancy is used for transfer or move-in.
  - (iv) Maintain transfer logs and records for audit.
  - (v) Notify residents with pending transfers as their name approaches the top of the list.
  - (vi) Conduct home visits at the current dwelling unit for housekeeping.
  - (vii) Counsel with residents experiencing problems with transfers, assisting hardship cases to find assistance.
  - (viii) Participate in evaluation of requests for transfer based on approved medical reasons.
  - (ix) Issue final offer of vacant apartment as soon as vacant apartment is identified.
  - (x) Issue notice to transfer as soon as vacant apartment is available for occupancy. This notice will give the resident fifteen (15) working days to complete transfer.
  - (xi) Process transfer documents to appropriate Department of Public Housing staff.
  - (xii) Participate in planning and implementation of special transfer systems for modernization and other similar programs.
  - (xiii) Inspect both apartments involved in the transfer, charging for any resident abuse.
  - (xiv) Family pays all outstanding charges due the Department of Public Housing. The resident's security deposit may be transferred to the new dwelling unit provided the Department of Public Housing does not claim all or any part of the security deposit. The resident shall pay all or any part of the security deposit required for the new dwelling unit, to either replace or supplement the security deposit from the original dwelling unit, or any balance remaining after any claims are made by the Department of Public Housing.

- (xv) Family signs new lease.
- b. Only one offer of an apartment will be made to each resident being transferred within his or her own neighborhood. A resident being transferred outside his or her own neighborhood will be allowed to refuse one offer only. In the case of a family being transferred from a unit which is uninhabitable, incorrectly sized, or scheduled for major repairs, failure to accept the unit offered, or the second unit offered in the case of a transfer outside the neighborhood, will be grounds for termination of the lease. When a person who requested a transfer for approved medical reasons declines the offer of such an apartment, the Department of Public Housing is not obligated to make any subsequent offers. The Department of Public Housing will notify the resident in such cases that the Department of Public Housing has discharged its obligations to the resident, that he remains in the apartment at his own risk, and that the Department of Public Housing assumes no liability for his condition.
- c. Any resident aggrieved by any action or inaction of the Department of Public Housing relative to his/her transfer request may file a request for a hearing in accordance with the Grievance Procedure.

5. Right of Management to Make Exceptions

This policy is to be used as a guide to ensure fair and impartial means of assigning units for transfer. It is not intended that this policy shall create a property right or any other type of right for a resident to transfer or refuse transfer. Management reserves the right to make exceptions to this policy as circumstances require, consistent with applicable regulations of the Department of Public Housing and Urban Development. Transfer disputes are subject to the Grievance Procedure.

### **ABANDONMENT OF A UNIT**

The Department of Public Housing may take possession of the dwelling after a resident has moved out. In the absence of actual knowledge of abandonment, it shall be presumed that the resident has abandoned the dwelling if the resident is absent from the dwelling for a period of fifteen (15) days, and the resident has not notified the Department of Public Housing in writing in advance of an intended absence, or otherwise as provided in this Agreement. The following criteria will be used in determining if the unit has been abandoned:

- a. Some or all of utilities have been turned off;
- b. A dramatic reduction in utility/electric bills;
- c. Repeated inability to contact the resident;
- d. Incarceration or sentencing of the head of household for more than thirty (30) days;
- e. No personal possessions remaining in the apartment.

After the fifteen (15) days, the case is referred to the Magistrate Court. The Magistrate Court authorizes the abandonment notice to be posted on the resident's door and gives the resident ten (10) days to claim possessions. Department of Public Housing may remove and dispose of any personal property, left in the resident's dwelling or elsewhere on the Department of Public Housing's property in accordance with State of North Carolina Statutes, after resident has abandoned the dwelling, with the reasonable cost of any storage, removal and/or disposal charged to resident or assessed against resident's security deposit, unless in Department of Public Housing's sole discretion, it is determined that documentable conditions existed which prevented the resident from occupying the dwelling.

## COMMUNITY SERVICE AND FAMILY SELF-SUFFICIENCY

### 1. Policy Statement

It is the policy of the Department of Public Housing to enhance and promote economic and social self-sufficiency. As such, the Department of Public Housing shall provide the following for the enhancement of the economic and social self-sufficiency of assisted families:

Income mix (the Department of Public Housing may establish and utilize income-mix criteria for the selection of residents.)

Targeting (mandatory): Not less than 40% of dwelling units owned by the Department of Public Housing shall be occupied by families whose incomes at the time of commencement of occupancy do not exceed 30% of the area median income.

Cooperation Agreements for Economic Self-Sufficiency (mandatory): The Department of Public Housing may enter into cooperation agreements with state, local, and other agencies providing assistance to covered families under welfare or public assistance programs. The cooperation agreements shall facilitate the administration of this policy and the sharing of information regarding rents, income, assistance, or other information that may assist the Department of Public Housing or welfare or public assistance agency to carry out its functions. The Department of Public Housing shall also seek to include in cooperation agreements with welfare or public assistance agencies provisions to provide for economic self-sufficiency services within the properties owned by the Department of Public Housing, provide for services designed to meet the unique employment-related needs of residents, and provide for placement of work fare positions on-site.

### 2. Definition of "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, including programs for job training, employment counseling, work placement, basic skills training, education, work fare, financial or household management, apprenticeship, or other activities as the Secretary may provide.

### 3. Community Service and Family Self-Sufficiency Requirement

As a condition of continued occupancy, excluding residents under paragraph 4 below, each adult resident of the Department of Public Housing shall:

- a. Contribute eight (8) hours per month of community service (not including political activities) within the community in which that adult resides or within the city/locality as approved by the Housing Department, or
- b. Participate in an economic self-sufficiency program for eight (8) hours per month, or
- c. Perform eight (8) hours per month of combined activities as described in paragraphs (3)(a) and (3)(b) above.

4. Exemptions

Exemptions to paragraph 3 above shall be made for any individual who:

- a. Is 62 years of age or older;
- b. Is a blind or disabled individual defined under section 216(i)(1) or 1614 of the Social Security Act (42 USC 416(i)(1); 1382c) and who is unable to comply with this section, or is a primary caretaker of such individual;
- c. Is engaged in a work activity (as such term is defined in section 407(d) of the Social Security Act (42 USC 607(d), as in effect on and after July 1, 1997);
- d. 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 USC 601 et seq) or under any other welfare program of the state in which the public housing agency is located, including a state-administered welfare-to-work program; or,
- e. Is in a family receiving assistance under a state program funded under part A of title IV of the Social Security Act (42 USC 601 et seq) or under any other welfare program of the state in which public housing agency is located, including a state administered welfare-to-work program, and has not been found by the state or other administering entity to be in noncompliance with such program.

5. Annual Determinations

For each public housing resident, the Department of Public Housing shall, thirty (30) days before the expiration of each lease term of the resident, review and determine the compliance of the resident with the requirement under paragraph 3 above. Such determinations shall be made in accordance with the principles of due process and on a nondiscriminatory basis.

6. Noncompliance

If the Department of Public Housing determines that the resident subject to the requirement under paragraph 3 has not complied with the requirement, the Department of Public Housing shall notify the resident in writing of such noncompliance. The written notification shall state that the determination of noncompliance is subject to the administrative grievance procedure and that failure by the resident to enter into an agreement, before the expiration of the lease term, to cure any noncompliance by participating in an economic self-sufficiency program for, or contributing to community service, as many additional hours as the resident needs to comply in the aggregate with such requirement over the 12-month term of the lease, may be cause for lease termination.

The Department of Public Housing shall not renew or extend any lease, or provide any new lease, for a dwelling unit for any household that includes an adult member subject to the requirement under paragraph 3 who has been determined to be not compliant with the requirements under paragraph 3, and has failed to attempt to cure the noncompliance.

7. Location of the Community Service or Family Self-sufficiency Program

Adult residents subject to the requirement under paragraph 3 may participate in a community service or an economic self-sufficiency program at a location not owned by the Department of Public Housing.

The Department of Public Housing may provide a community service or an economic self-sufficiency program to meet the requirements of paragraph 3; however, the Department of Public Housing shall not substitute participation in community service or an economic self-sufficiency program for work performed by an employee of the Department of Public Housing or supplant a job at any location at which community work requirements are fulfilled.

8. Treatment of Income Changes Resulting from Welfare Program Requirements

This section applies to families that receive benefits for welfare or public assistance from a state or other public agency under a program for which the federal, state, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program.

a. Decreases in Income for Failure to Comply

For families whose welfare or public assistance benefits are reduced because of failure of any family member to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program or imposing a work activities requirement, the amount required to be paid by the family as a monthly contribution toward rent shall not be decreased.

b. Fraud

For families whose welfare or public assistance benefits are reduced because of an act of fraud by member of the family under the law or program, the amount required to be paid by the family as a monthly contribution toward rent shall not be decreased, during the period of reduction, as a result of any decrease in income of the family, to the extent that the decrease was the result of benefit reduction due to fraud.

c. Reduction Based on Time Limit for Assistance

The amount required to be paid as a monthly contribution toward rent by a family whose welfare or public assistance benefits are reduced as a result of the expiration of a lifetime time limit for a family, and not as a result of failure to comply with program requirements, shall be decreased, during the period of reduction, as a result of any decrease in income of the family, to the extent that the decrease was the result of benefit reduction due to expiration of a lifetime time limit.

d. Notice

The Department of Public Housing shall obtain written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been

reduced and cause for reduction prior to redetermination of monthly contribution toward rent.

e. Grievance

Any family affected by sections 8.a and 8.b above shall have the right to review the determination through the Department of Public Housing's Grievance Procedure.



**CITY OF ALBEMARLE**  
**DEPARTMENT OF PUBLIC HOUSING**  
**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**Part E**

**FRAUD**

## FRAUD

If the Department of Public Housing has reason to believe that a family may have (or had before participating in the public housing programs) committed fraud, bribery, or other corrupt or criminal acts the Department of Public Housing will take action to determine whether there has been program abuse. Once the Department of Public Housing determines that fraud has occurred and decides to terminate the lease due to fraud, the Department of Public Housing will provide the family with a 30 day Notice to Evict. The Department of Public Housing may require repayment by the family. Further, the Department of Public Housing shall refer all fraud cases to the Regional Inspector General for Investigation (RIGI) or to local or state prosecutors with a copy to RIGI for investigation and possible criminal prosecution.

The Department of Public Housing considers the misrepresentation of income and family circumstances to be a serious lease and policy violation as well as a crime and will take appropriate action if apparent fraud is discovered. Specifically:

1. An applicant family who has misrepresented income or family circumstances may be declared ineligible for housing assistance.
2. If any examination of the tenant's file discloses that the tenant made any misrepresentation (at the time of admission or any previous reexamination date) which resulted in his/her being classified as eligible when in fact he/she was ineligible, the tenant may be required to vacate the apartment even though he/she may be currently eligible.
3. A tenant family who has made misrepresentation of income or family circumstances is subject to both eviction and being declared ineligible for future housing assistance.
4. If it is found that the tenant's misrepresentations resulted in his/her paying a lower Tenant Rent than he/she should have paid, he/she will be required to pay the difference between rent owed and the amount that should have been paid. This amount shall be paid whether or not the tenant remains in occupancy, but failure to pay under terms established by the Department of Public Housing shall always result in immediate termination of the lease. The Department of Public Housing reserves the right to demand full payment within seven days.
5. The Department of Public Housing shall report apparent cases of tenant or applicant fraud to the appropriate government agency. It shall be the policy of the Department of Public Housing to press state and Federal authorities for prosecution of cases which, in the Department of Public Housing's judgment, appear to constitute willful and deliberate misrepresentation.

**CITY OF ALBEMARLE**  
**DEPARTMENT OF PUBLIC HOUSING**  
**ADMISSIONS AND CONTINUED OCCUPANCY POLICY**

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**Part F**  
**RENT POLICY**

## RENT POLICY

### 1. Minimum Rental Amount

The Department of Public Housing has established a minimum Total Tenant payment of \$50 per month.

### 2. Rent Collection

- a. Rent is due on the first of each month and is considered late if not paid by the fifth (5<sup>th</sup>) business day of the month. Residents shall be mailed a notice of rent due, including the due date.
- b. A late charge will be added to the monthly rental payment for any rent paid after the fifth business (5<sup>th</sup>) day of the month. The late charge is in the amount of \$15.
- c. A 14-Day Notice of Termination will be mailed to the tenant on the sixth (6<sup>th</sup>) business day of the month if rent is not paid. If the total rental payment due is not paid within fourteen (14) days, the Department of Public Housing will issue a summary ejection and file in court for all monies due and for possession of the unit. Should the resident wish to settle the suit out of court, resident payment shall include all past due rent, late fees, court filing fees, and other reasonable costs associated with the filing of the eviction. All charges must be paid before the court date. **Once a judgment has been levied by the court, the tenant will have ten (10) days from the date of the judgment to pay account in full. If tenant has not paid account in full within ten (10) days, a writ of possession will be issued.**

### 3. Retroactive Rent Charges

Retroactive Rent Charges will be due and payable within seven (7) days of written notice unless arrangements are made prior to this day to make installment payments. Normally retroactive rent installment payments must be computed not to exceed a three (3) month pay off. If the amounts are large and the tenant will not be able to pay off the retro rent charge within three (3) months a repayment schedule may be established allowing a longer period upon approval of the Director.

### 4. Vacated Tenants With Balances

Vacated tenants will have thirty (30) days from the date of the statement of Request for Refund to pay the account or make arrangements for payment. Accounts will be reported to the City Council with a charge-off recommendation after six (6) months. The City of Albemarle is a participant in the North Carolina Local Government Debt Setoff Clearinghouse to enable counties and cities to participate in the State Tax Refund Debt Setoff Program. As a Department of the City of Albemarle, the Department of Public Housing vacated tenant accounts will be subject to garnishment through State Tax Refund Debt Setoff Program.

5. Terms and Conditions of Payment of Security Deposits

Prior to lease signing, the Department of Public Housing must receive full payment of the security deposit; however, the Department of Public Housing Manager retains the discretion to receive one-half of the security deposit with monthly payments of \$25 until the entire security deposit is paid in full. Where the family moves in on other than the first of the month, the rent will be pro-rated for that month but the full security deposit will still be due at time of lease execution.

In properties designated for the exclusive occupancy by elderly, handicapped, or disabled persons, the Department of Public Housing will allow the keeping of pets in accordance with the Department of Public Housing's Pet Policy and upon execution of the Pet Lease Addendum. A condition of pet ownership is the payment of a pet deposit for all dogs and cats.

6. Terms and Conditions of Other Charges in Addition to Rent

The resident agrees to pay for all repairs made to the unit due to resident damage or neglect. The resident must pay such charges at the first of the month following the charge. Such charges will be made based on actual cost of labor and materials.

In the event of damages discovered at move-out, the family's security deposit will be reduced by the amount necessary to execute repairs above "normal wear and tear". Any remaining balance will be refunded to the resident under the following conditions:

- a. The resident leaves a forwarding address or makes arrangements to pick up the deposit in person.
- b. The resident owes no other charges for excess utility consumption, late fees on rental payments, etc..
- c. The remaining balance will be paid within forty-five (45) days of move-out.

7. Exemption for Hardship Circumstances

The Department of Public Housing shall immediately grant an exemption from application of the minimum monthly rental amount to any family unable to pay such amount because of financial hardship, which shall include situations in which:

- a. The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;
- b. The family would be evicted as a result of the imposition of the minimum rent requirement;
- c. The income of the family has decreased because of changed circumstances, including loss of employment;

- d. A death in the family has occurred.

If a resident requests a hardship exemption and the Department of Public Housing reasonably determines the hardship to be of a temporary nature, an exemption shall not be granted during the 90-day period beginning upon the making of a request for the exemption. A resident shall not be evicted during the 90-day period for non-payment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long-term basis, the Department of Public Housing shall retroactively exempt the resident from applicability of the minimum rent requirement for such 90-day period.

8. Family Choice of Rental Payment

The Department of Public Housing shall provide two (2) rent options for any public housing dwelling unit owned, assisted, or operated by the Department of Public Housing:

- a. Flat Rents: The flat rental amount for the dwelling unit shall be based on the rental value of the unit, as determined by the Department of Public Housing; or,
- b. Income Based Rents: The monthly rental amount shall not exceed (up to) 30% of monthly adjusted income. Income Based Rents shall not be less than the minimum rental amount.

The term “adjusted income” means, with respect to the family, the amount of income of the members of the family residing in a dwelling unit or the persons on a lease, after any income exclusions as follows:

- (i) \$400 for any elderly or disabled family;
- (ii) The amount by which 3% of the annual family income is exceeded by the sum of:
  - (a) Unreimbursed medical expenses for any elderly family or disabled family;
  - (b) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family (including such handicapped member) to be employed.
- (iii) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education;
- (iv) \$480 for each member of the family residing in the household (other than the head of the household or his or her spouse) who is less than 18 years of age or is attending school or vocational training on a full-time basis, or who is 18 years of age or older and is a person with disabilities;
- (v) Any payment made by a member of the family for the support and maintenance of any child who does not reside in the household, except that the amount

excluded under this clause may not exceed \$480 for each child for whom such payment is made;

- (vi) Any payment made by a member of the family for the support and maintenance of any spouse or former spouse who does not reside in the household, except that the amount excluded under this clause shall not exceed the lesser of:
  - (a) The amount that such family member has legal obligation to pay, or,
  - (b) \$550 for each individual for whom such payment is made.
- (vii) The amount of any earned income of a member of the family who is not:
  - (a) 18 years of age or older, and
  - (b) The head of the household (or the spouse of the head of the household).

9. Switching Rent Determination Methods Because of Hardship Circumstances

In the case of a family that has elected to pay rent in the amount equal to the Flat Rent/Ceiling Rent for the dwelling unit, the Department of Public Housing shall immediately provide for the family to pay rent in the amount equal to Income Based Rent during the period for which such election was made upon a determination that the family is unable to pay the amount determined because of financial hardship, including:

- a. Situations in which the income of the family has decreased because of changed circumstances, loss or reduction of employment, death in the family, and reduction in or loss of income or other assistance;
- b. An increase, because of changed circumstances, in the family's expenses for medical costs, child care, transportation, education, or similar items; or,
- c. Such other situations as may be determined by the Department of Public Housing.

Families switching rent determination method because of hardship circumstances shall be limited to one (1) rent switch within a twelve (12) month period. Such rent switches are subject to interim reexamination provisions as detailed in this policy.

10. Earned Income Disallowance

The earned income disallowance encourages resident self-sufficiency by rewarding certain residents who go to work or have increased earnings. To be eligible for the earned income disallowance a family must meet the following requirements.

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

*Qualified Family*

A family residing in public housing whose annual income increases as a result of:

- a. employment of a family member who was unemployed for one or more years previous to employment; or
- b. increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
- c. new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits, or services under any State program for Temporary Assistance of Needy Families (TANF) funded under Part A of Title IV of the Social Security Act, as determined by the DOPH in consultation with the local agencies administering TANF and Welfare-to-Work (WTW) Programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies, and transportation assistance provided that the total amount over a six-month period is at-least \$500.

*Disallowance of increase in annual income*

Initial twelve month exclusion - During the cumulative twelve month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, DOPH will exclude from annual income of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.

Second twelve month exclusion and phase-in - During the second cumulative twelve month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, DOPH will exclude from annual income of a qualified family fifty (50%) percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

Maximum four year disallowance - The disallowance of increased income of an individual family member as provided above is limited to a lifetime forty-eight (48) month period. This section only allows for a maximum of twelve months for the initial exclusion and a maximum of twelve months for the second twelve month exclusion.



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

11. Treatment of Income Changes Resulting from Welfare Program Requirements

This section applies to families that receive benefits for welfare or public assistance from a state or other public agency under a program for which the federal, state, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program.

a. Decreases in Income for Failure to Comply

For families whose welfare or public assistance benefits are reduced because of failure of any family member to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program or imposing a work activities requirement, the amount required to be paid by the family as a monthly contribution toward rent shall not be decreased.

b. Fraud

For families whose welfare or public assistance benefits are reduced because of an act of fraud by member of the family under the law or program, the amount required to be paid by the family as a monthly contribution toward rent shall not be decreased, during the period of reduction, as a result of any decrease in income of the family, to the extent that the decrease was the result of benefit reduction due to fraud.

c. Reduction Based on Time Limit for Assistance

The amount required to be paid as a monthly contribution toward rent by a family whose welfare or public assistance benefits are reduced as a result of the expiration of a lifetime time limit for a family, and not as a result of failure to comply with program requirements, shall be decreased, during the period of reduction, as a result of any decrease in income of the family, to the extent that the decrease was the result of benefit reduction due to expiration of a lifetime time limit.

d. Notice

The Department of Public Housing shall obtain written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced and cause for reduction prior to redetermination of monthly contribution toward rent.

e. Grievance

Any family affected by sections 12.a and 12.b above shall have the right to review the determination through the Department of Public Housing's Grievance Procedure.

**APPENDIX A**

**INCOME LIMITS**

**APPENDIX B**

**UTILITY ALLOWANCES**

**APPENDIX C**

**GRIEVANCE PROCEDURE**

**APPENDIX D**

**PET POLICY**

**APPENDIX E**

**ONE STRIKE AND YOU'RE OUT POLICY**

**APPENDIX F**

**FLAT RENTS**



**APPENDIX G**

**DECONCENTRATION POLICY**