

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Goldsboro Housing Authority, North Carolina is referred to as "PHA" or "Housing Authority" or "GHA" throughout this document.

The Public Housing Program was created by the U.S. Housing Act of 1937.

Administration of the Public Housing Program and the functions and responsibilities of the Public Housing Authority (PHA) staff shall be in compliance with the Goldsboro Housing Authority (GHA) Personnel Policy and GHA's Admissions and Continued Occupancy Policy. The administration of the GHA's housing program will also meet the requirements of the Department of Housing and Urban Development (HUD). Such requirements include any Public Housing Regulations, Handbooks, and applicable Notices. All applicable Federal, State and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable federal laws or regulations shall supersede provisions in conflict with this policy. If such changes conflict with this policy, HUD regulations will have precedence. Federal regulations shall include those found in 24 CFR, Parts V, VII and IX. (Code of Federal Regulations).

A. GOLDSBORO HOUSING AUTHORITY'S MISSION STATEMENT

The Goldsboro Housing Authority will provide safe, quality, and affordable housing to low-income families, the elderly, and disabled individuals. As a leader in the public housing community, we encourage personal responsibility and upward mobility of residents in partnership with other community organizations while maintaining the fiscal and programmatic integrity of our agency.

B. LOCAL OBJECTIVES

This Admissions and Continued Occupancy Policy for the Public Housing Program is designed to demonstrate that GHA is managing its program in a manner that reflects its commitment to improving the quality of housing available to its public, and its capacity to manage that housing in a manner that demonstrates its responsibility to the public trust.

C. PURPOSE OF THE POLICY

The purpose of this Admissions and Continued Occupancy Policy (ACOP) is to establish

guidelines for GHA staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements of the Department of Housing and Urban Development (HUD) with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and GHA.

GHA's Board of Commissioners must approve the original policy and any changes. A copy will be provided to HUD. This ACOP shall supersede all previous versions. If there is conflict between GHA standard operating procedures and this ACOP, the ACOP will supersede the SOP. This ACOP will be effective the date that is approved by the GHA Board of Commissioners.

D. FAIR HOUSING POLICY

Nondiscrimination

It is the policy of GHA to fully comply with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968 (as amended), Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, state and local Fair Housing laws, and any legislation protecting the individual rights of residents, applicants or staff which may be subsequently enacted.

GHA will comply with all laws and court orders relating to civil rights, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.) and 24 CFR Part 1
- Fair Housing Act (42 U.S.C. §§3601-3631) and 24 CFR Parts 100, 108, and 110
- Executive Order 11063 on equal opportunity in housing and 24 CFR Part 107
- Executive Order 13166 on improving access to services for persons with limited English proficiency
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and 24 CFR Part 8
- Age Discrimination Act of 1975 (42 U.S.C. §§6101-6107) and 24 CFR Part 146
- Title II of the Americans with Disabilities Act (42 U.S.C. §§12131-12134) and 28 CFR Part 35
- The Violence against Women Act of 2005 (VAWA)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the Federal Register February 3, 2012.
- All applicable state and local laws and ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted.

GHA shall not discriminate because of race, color, age, sex, religion, familial status (in non-elderly designated housing), disability, marital status, gender identity, sexual orientation, or national origin in the leasing, rental, or other disposition of housing or related facilities, including land, included in any development or developments under its jurisdiction, including

Deny to any family the opportunity to apply for housing, nor deny to any eligible applicant the opportunity to participate in the public housing program.

Provide housing that is different than that provided others.

Subject a person to segregation or disparate treatment.

Restrict a person's access to any benefit enjoyed by others in connection with any program operated by the Housing Authority.

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

Deny a person access to the same level of services.

Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the public housing program.

Steer an applicant or tenant toward or away from a particular area based on any of these factors.

Discriminate in the provision of residential real estate transactions.

Discriminate against someone because they are related to or associated with a member of a protected class.

Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class.

GHA shall not automatically deny admission to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

Affirmative Marketing

GHA will take measures to ensure that families are fully aware of all applicable civil rights laws. GHA may post notices of housing availability in particular neighborhoods or developments to encourage fuller participation. GHA may issue public announcements of availability to encourage applications for assistance. Among the marketing efforts GHA may engage in depending on the situation are the following:

Send informational spots to local media outlets such as radio stations, cable TV, newspapers, or other periodicals for broadcast or publication.

Special outreaches to minorities, persons with disabilities and very low-income families.

Distribute pamphlets and brochures.

Post notices in places of employment, unemployment offices, welfare offices, post offices, grocery stores, churches, community halls, public transportation centers, and with other agency community service providers.

Conduct outreach to organizations that assist people with disabilities, the elderly, students,

immigrants, homeless people and victims of domestic violence.

GHA will monitor the benefits received as a result of the above activities, and will increase or decrease the outreach activities accordingly.

To reach minority groups, it may be necessary to canvas neighborhoods or make mass mailing to areas with heavy concentration of minority citizens. If language is a problem, brochures may be printed in Spanish or other languages as required.

E. SERVICE AND ACCOMMODATIONS POLICY

In order to further the objectives of nondiscrimination, GHA shall:

- Provide information to public housing applicants and tenants about civil rights requirements.
- Include in the admissions briefings for all GHA programs a section with Civil Rights laws. The briefings shall explain to all participants what should be done if they believe they have been discriminated against.
- Prominently display Fair Housing and Equal Opportunity (FHEO) posters in every development office owned by GHA and in GHA's administrative offices.
- Use the Equal Housing Opportunity logo and/or statement in all advertising and in all marketing publications of GHA. GHA shall be particularly conscious of human models used in its publications so as to avoid signaling any sense of discrimination.

Discrimination Complaints

If an applicant or tenant family believes that GHA has discriminated against any family member the family should advise GHA either orally or in writing. GHA will make every reasonable attempt to determine whether the applicant's or tenant family's assertions have merit and take any warranted corrective action. Upon request, GHA will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

Definition of a disability – see Exhibit 1-1 at the end of the chapter.

GHA must ensure that persons with disabilities have full access to the GHA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the public housing program. One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

GHA will provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy.

GHA will advise applicants and resident families in writing of their right to request a reasonable accommodation, on the intake application, reexamination documents and notices of adverse action by GHA, by including the following language:

“GHA is committed to compliance with the Americans with Disabilities Act and the Fair Housing Act. If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact GHA by calling 711. Se habla español.”

The applicant or resident can request a reasonable accommodation from the Occupancy Department or from their assigned Public Housing Manager. The Director of Asset Management will be the Reasonable Accommodation Coordinator for public housing.

Definition of a Reasonable Accommodation

A “reasonable accommodation” is a change, exception or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the PHA, or result in a “fundamental alteration” in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider’s operations.

Type of Reasonable Accommodations

When it is reasonable, GHA shall accommodate the needs of a person with disabilities. Examples may include but are not limited to:

- Permitting applications and reexaminations to be completed by mail.
- Conducting home visits.
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability.
- Installing a ramp into a dwelling or building.
- Installing grab bars in a bathroom.
- Installing visual fire alarms for hearing impaired persons.
- Allowing a PHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities and would not be otherwise living in the unit.

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- Providing a designated handicapped-accessible parking space.
 - Allowing an assistance animal.
 - Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with GHA staff.
 - Displaying posters and other housing information in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.
 - Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability.

GHA will identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with Section 504, and the Fair Housing Amendments Act of 1988, GHA will make structural modifications to its housing and non-housing facilities (required, 24 CFR §§8.21, 8.23, 8.24, and 8.25) and make reasonable accommodations in its procedures or practices (required, 24 CFR §100.204) to permit people with disabilities to take full advantage of GHA's programs and services.

- 1) In making existing housing programs (see 24 CFR §8.24) or alterations to existing facilities (see 24 CFR §8.23(b)) to be readily accessible to and usable by individuals with disabilities, GHA is not required to:
 - (a) Make each of its existing facilities accessible (24 CFR §8.24(a)(1)), or make structural changes when other methods can be demonstrated to achieve the same effect; (24 CFR §8.24 (b))
 - (b) Make building alterations that require the removal or altering of a load-bearing structural member; (24 CFR § 8.32 (c))
 - (c) Provide an elevator in any multifamily housing development solely for the purpose of locating accessible dwelling units ("units") above or below the accessible grade level; or (24 CFR § 8.26)
 - (d) Take any action that results in a fundamental alteration in the nature of the program or results in undue financial and administrative burdens. (24 CFR § 8.24(a)(2))
- 2) When GHA is making substantial alterations (defined in 24 CFR § 8.23 as alterations to a development that has 15+ units and the cost is 75% or more of the replacement cost of the completed facility) to an existing housing facility, GHA is not required to:
 - (a) Provide an elevator in any multifamily housing development solely for the purpose of locating accessible units above or below the accessible grade level; (24 CFR §8.26)
 - (b) Make building alterations that require the removal or altering of a load-bearing structural member; or (24 CFR §8.32 (c))
 - (c) Make structural alterations to meet minimum accessibility requirements where it is structurally impracticable. "Structural impracticability" is defined as: Changes having little likelihood of being accomplished without removing or altering a load-bearing

structural member and/or incurring an increased cost of 50% or more of the value of the element of the building or facility involved. (24 CFR §8.32(c) and Appendix A to Part 40, Uniform Federal Accessibility Standards (UFAS) 3.5 and 4.1.6(3))

- 3) Note that the undue burdens test above is not applicable to housing undergoing substantial alteration.

Undue Hardship

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

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

The nature and cost of the accommodation needed and

The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation.

If more than one accommodation is equally effective in providing access to the GHA's programs and services, the GHA retains the right to select the most efficient or economical choice.

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

Program Accessibility for Persons with Hearing or Vision Impairments

HUD regulations require GHA to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the GHA's programs and services [24 CFR 8.6]. At the initial point of contact with each applicant, GHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

To ensure reasonable access to the PHA's programs and services, documents for use by applicants and residents will be made available in formats accessible for persons with disabilities related to vision or hearing impairments in compliance with the Fair Housing Act, 24 CFR 8.6. This includes communication by way of TDD/TTY for applicants or program participants who are speech or hearing impaired.

Request for a Reasonable Accommodation

If an applicant or participant indicates that an exception, change or adjustment to a rule, policy, practice or service is needed because of a disability, HUD requires that the GHA treat the information as a request for a reasonable accommodation, even if no formal request is made

[Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the GHA's programs and services. If the need for the accommodation is not readily apparent or known to GHA, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

GHA will encourage the family to make its request in writing using a reasonable accommodation request form that is available from the Public Housing Manager or at the administration offices. However, GHA will consider the accommodation request any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

Verification of a Disability

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. Before providing an accommodation, GHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to the GHA's programs and services.

If a person's disability is obvious or otherwise known to GHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to GHA, GHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, GHA will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a non-medical service agency or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
- GHA must request only information that is necessary to evaluate the disability-related need for the accommodation. GHA may not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.
- In the event that GHA does receive confidential information about a person's specific diagnosis, treatment or the nature or severity of the disability, GHA will dispose of it. In

place of the information, GHA will note in the file that the disability and other requested information have been verified, the date the verification was received and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

Approval/Denial of a Requested Accommodation

[Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26]

GHA must approve a request for an accommodation if all following four conditions are met.

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is indeed for the purpose of affording a person with a disability an equal opportunity to use and enjoy a program, service or dwelling under the program.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and/or administrative burden on GHA, or fundamentally alter the nature of GHA's operations.

Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the overall size of GHA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, GHA may enter into discussion and negotiation with the family, request more information from the family or may require the family to sign a consent form so that GHA may verify the need for the requested accommodation.

After a request for an accommodation is presented, GHA will respond, in writing, within 30 calendar days. If GHA denies a request for an accommodation, the notice will inform the family of the right to appeal GHA's decision through an informal hearing (if applicable) or the grievance process. If GHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and/or administrative burden or fundamentally alter the nature of GHA's operations), GHA will either list recommended alternatives or include a request to discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden. The family will be given 30 days from the date of the written notice to respond and discuss alternative accommodations with GHA. If the family does not respond to GHA within 30 days of the notice, or if GHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, GHA will notify the family, in writing, of its determination within 30 days from the date of the most recent discussion or communication with the family. The notice

will inform the family of the right to appeal GHA's decision through an informal hearing (if applicable) or the grievance process.

F. IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

Overview

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published January 22, 2007 in the *Federal Register*.

The GHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

Persons with LEP are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Admissions and Continued Occupancy Policy, LEP persons are public housing applicants and resident families, and parents and family members of applicants and resident families.

In order to determine the level of access needed by LEP persons, the PHA will balance the following four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the public housing program;
- The frequency with which LEP persons come into contact with the program;
- The nature and importance of the program, activity, or service provided by the program to people's lives; and
- The resources available to the PHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on the PHA.

Oral Interpretation

In a hearing, or situations in which health, safety, or access to important benefits and services are at stake, the PHA will generally offer, or ensure that the family is offered through other sources, competent interpretation services free of charge to the LEP person.

GHA Policy

- The GHA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. “Reasonable steps” may not be reasonable where the costs imposed substantially exceed the benefits.
- Where feasible, the GHA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHA’s, and will standardize documents. Where feasible and possible, the PHA will encourage the use of qualified community volunteers.
- Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the PHA. The interpreter may be a family member or friend.

Written Translation

Translation is the replacement of a written text from one language into an equivalent written text in another language.

GHA Policy

In order to comply with written-translation obligations, the GHA will take the following steps:

- The GHA will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, the GHA may not translate vital written materials, but will, upon request of the LEP person, provide competent oral interpretation of those written materials, free of cost.
- These “safe harbor” provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP persons through competent oral interpreters where oral language services are needed and reasonable.
- GHA will use the written documents supplied by HUD, whenever possible. All documents will be clearly marked “For Informational Purposes Only”. All documents that will be executed for the files and program requirements will be in English.

Implementation Plan

After completing the four-factor analysis and deciding what language assistance services are appropriate, the GHA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If the GHA determines that it is not necessary to develop a written implementation plan, the

absence of a written plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to the GHA's public housing program and services.

GHA Policy

If it is determined the GHA serves very few LEP persons, and the GHA has very limited resources, the GHA will not develop a written Limited Assistance Plan (LAP), but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. If GHA determines that it serves or is under-serving LEP persons because of language barriers and GHA has the available resources, the GHA will develop a LAP. GHA will use entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants. These entities will be contacted for input into the process.

If the GHA determines it is appropriate to develop a written LAP, the following five steps will be taken:

- (1) Identifying LEP individuals who need language assistance;
- (2) Identifying language assistance measures;
- (3) Training staff;
- (4) Providing notice to LEP persons; and
- (5) Monitoring and updating the LAP.

GHA shall use the local relay service from the local telephone relay service provider as an accommodation (711).

G. PUBLIC HOUSING MANAGEMENT ASSESSMENT SYSTEM (PHAS)

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

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

GHA will post a notice of its final PHAS score and status in appropriate conspicuous and accessible locations in its offices within two weeks of receipt of its final score and designation [24 CFR 902.64(b)(2)].

H. FAMILY OUTREACH

GHA will publicize and disseminate information to make known the availability of housing units

and housing-related services for low-income families on a regular basis.

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

GHA will accept referrals from local providers for available housing. GHA will determine housing eligibility factors of the applicants.

I. QUALITY HOUSING AND WORK RESPONSIBILITY ACT (QHWRA)

GHA shall comply with the Quality Housing and Work Responsibility Act of 1998 (QHWRA). QHWRA amends the Housing Act of 1937 to include the following operational practices of the Public Housing program:

Deregulation and decontrol of public housing agencies, enabling agencies to perform as property and asset managers;

Flexibility in use of Federal assistance to enable the agency to leverage and combine assistance amounts with amounts obtained from other sources;

The facilitation of mixed income communities and the deconcentration of poverty;

An increased accountability to HUD with rewards for effective management of the Public Housing programs; and

Ability to create incentives and economic opportunities for residents of Public Housing to work, become self-sufficient.

J. FEDERAL PRIVACY ACT

GHA's practices and procedures are designed to safeguard the privacy of applicants and residents.

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

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

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

Criminal Background check information will be kept in a separate file with access only by persons authorized by local law enforcement and GHA. These documents will be kept under lock and key and be kept in accordance with State Laws. The HUD regulations require that upon making a determination of eligibility, the criminal background check information will be destroyed. However this is subject to the laws of the State of North Carolina. GHA is governed by the provisions of Chapter 132 and 132-1 of the public records laws of the State of North Carolina and as such, no person may destroy, sell, loan, or otherwise dispose of any public record

without the consent of the State of North Carolina. As such, GHA shall maintain these records in a manner to protect the confidentiality requirements in a secure manner, but shall not destroy the record unless with the consent of the State of North Carolina.

Any and all information which would lead one to determine the nature and/or severity of a person's disability will not be placed in applicant or tenant files, but must be returned or destroyed. The personal information will be reviewed by the authorized GHA representative, review of documents will be noted in the file and the originals will be returned to the applicant/tenant. If there is a need to maintain this information, it must be kept in a separate folder and marked "confidential". The personal information must not be released except on an "as needed" basis in cases where an accommodation is under consideration.

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

K. POSTING OF REQUIRED INFORMATION

GHA will maintain bulletin boards in conspicuous areas of the Administrative Office and the individual site development offices. The bulletin boards will contain:

- Statement of policies and procedures governing Admission and Continued Occupancy Policy (ACOP)
- Information on application intake
- Directory of GHA's housing sites including names, address of offices and office hours at each facility
- Income limits for admission
- Current schedule of routine maintenance charges
- A copy of the lease
- GHA's grievance procedures
- A Fair Housing Poster
- An Equal Opportunity in Employment poster
- Current Resident Notices
- Required public notices
- Security Deposit Charges
- Schedule of Utility Allowances/Notice of Changes (if applicable)
- Flat/Ceiling/Max Rent Schedule

- Occupancy Standards
- Criminal Trespass Policy
- Limited English Policy
- Recent PHAS scores
- Banned List
- Community Service Policy
- One-Strike Policy
- Notice PIH 2002-01
- VAWA Notice
- List of Board Meetings
- Reasonable Accommodation Notice and Request

**EXHIBIT 1-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER
FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]**

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual.
- Has a record of such impairment.
- Is regarded as having such impairment.

The phrase “physical or mental impairment” includes:

- Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
- “Major life activities” includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, speaking, learning and/or working.
- “Has a record of such impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major live activities.
- “Is regarded as having an impairment” is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users.
- People whose alcohol use interferes with the rights of others.
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the public housing program.

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this

definition of disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the \$400 elderly/disabled household deduction, the allowance for medical expenses or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the public housing program, yet an accommodation is needed to provide equal opportunity.

Chapter 2

ELIGIBILITY FOR ADMISSION

[24 CFR Part 960, Subpart B]

INTRODUCTION

This Chapter defines both HUD's and GHA's criteria for admission and denial of admission to the program. GHA is responsible for ensuring that every individual and family admitted to the Public Housing program eligibility meets all requirements. GHA staff will review all information provided by the family carefully and without regard to factors other than those provided with the regulation and GHA policies. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by GHA pertaining to their eligibility.

A. QUALIFICATION FOR ADMISSION

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

Is a family as defined by HUD and GHA.

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

Has an Annual Income at the time of admission that does not exceed the low-income limits for occupancy established by HUD, which are posted separately in the PHA offices.

The Quality Housing and Work Responsibility Act (QHWRA) of 1998 authorizes PHAs to admit families whose income does not exceed the low-income limit (80% of median area income) and the PHA is required to meet the annual 40% targeted income requirement of extremely low-income families (families whose income does not exceed 30% of median area income). It is the policy of the GHA to meet the income-targeting requirement.

Provides Social Security number (SSN) information for all family members as required.;

Meets or exceeds the standards for the criminal background check;

Meets or exceeds the tenant Selection and Suitability Criteria as set forth in this policy.

Consents to GHA's collection and use of family information as provided for in GHA consent forms.

Timing for the Verification of Qualifying Factors

The qualifying factors of eligibility will be verified at the time the application is screened and placed on the waiting list to determine the family's status and/or position on the waiting list before offered a housing unit and will be updated if necessary prior to the offer of the unit.

B. FAMILY COMPOSITION

Definition of Family

The applicant must qualify as a Family. A family may be a single person or a group of persons. Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law. For occupancy standards purposes, the applicant may claim a spousal relationship. (See Chapter 5, Occupancy Guidelines.)

A group of persons is defined by GHA as two or more persons who intend to share residency, and whose income and resources are available to meet the family's needs, and will live together in GHA housing, regardless of actual or perceived sexual orientation, gender identity or marital status.

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

- A family with or without children;

- An elderly family;

- A near elderly family;

- A disabled family;

- A displaced family;

- The remaining member of a tenant family;

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

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

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

A child who is temporarily away from home due to placement in foster care should be considered a member of the family.

For the purposes of the definition of a qualified family and admission of a single higher education student, the restrictions on assistance to students enrolled in an institution of higher education do not apply to public housing. (24 CFR 5.612)

Head of Household

The head of household is the adult member of the household who is designated by the family as head for purposes of determining income eligibility and rent and has the legal capacity to enter into a lease under State/local law. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a cohead or spouse.

Emancipated minors who qualify under State law will be recognized as head of household if there is a court order recognizing them as an emancipated minor.

Spouse of Head

Spouse means the marriage partner of the head of household. The spouse is equally responsible for the lease with the Head of Household.

The definition of spouse is: the marriage partner whom, in order to dissolve the relationship, and would have to be divorced. The term "spouse" does not apply to friends, roommates or significant others who are not marriage partners.

Co-head

An adult individual with legal status in the household who is equally responsible with the Head of Household for the lease and ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A household may have either a spouse or co-head, but not both. A co-head never qualifies as a dependent. A family can only have one co-head. Minors who are emancipated under State law may be designated as a co-head.

Other Adult

Other adult means a family member other than the head, spouse or cohead who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

Dependent

A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a deduction from annual income.

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50 percent or more of the time.

When more than one applicant or assisted family (regardless of program) is claiming the same dependents as family members, only the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, GHA will make the determination based on available documents such as signed court orders plus school enrollment records, proof of receipt of governmental assistance (i.e. food stamps, TANF, Social Security or SSI benefits) or an IRS return showing which family has claimed the child(ren) for income tax purposes.

Full-Time Student

A *full-time student* is a person who is attending school or vocational training on a full-time basis. The educational institution defines the time commitment or subject load that is needed to be full-time. Identifying each Full Time Student is important because (1) each family member that is a Full Time Student, other than the head, spouse or cohead, qualifies the family for a dependent

deduction and (2) the income of such a Full Time Student is treated differently from the income of other family members.

Live-In Aide

Live-in aide means a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities, and who:

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

Is not obligated for the support of the person(s), and

Would not be living in the unit except to provide care for the person(s).

A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program:

Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits and the income is not considered in the rent calculations.

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

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

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above. A relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

Family members of a live-in aide may also reside in the unit, providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the family member(s) does not overcrowd the unit. The family will be eligible to increase the bedroom size by one bedroom to accommodate the live-in aide status.

A live-in aide may only reside in the unit with the approval of GHA. A family's request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable medical professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is essential for the care of the family member who is elderly, near elderly, or disabled.

GHA will screen and qualify the live-in aide and the live-in aide must be eligible under non-criminal background requirements and must also have the necessary skills to meet the needs of the individual requesting the reasonable accommodation.

At each annual reexamination, the head of household requiring the live-in aide as well as the live-in aide must sign the live-in aide addendum to the lease and the live-in aide contact form. The live-in aide addendum to the lease includes a certification from the family and live-in aide stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services.

GHA has the discretion not to approve a particular person as a live-in aide, and may withdraw such approval, if [24 CFR 966.4(d)(3)(i)]:

- The person commits or has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- The person has a history of drug-related criminal activity or violent criminal activity.
- The person currently owes rent or other amounts to GHA or to another PHA in connection with the housing choice voucher program or public housing assistance under the 1937 Act.

Within 20 business days of receiving a request for a live-in aide, including all required documentation related to the request, GHA will notify the family of its decision in writing. If GHA denies the request for a live-in aide or denies approval of a particular live-in aide, the family may request a grievance hearing within the required timeframe specified in the decision letter.

Elderly Persons

An *elderly person* is a person who is at least 62 years of age.

Near-Elderly Persons

A *near-elderly person* is a person who is 50-61 years of age.

Elderly Family

An *elderly family* is one in which the head, spouse, cohead or sole member is an elderly person. Identifying elderly families is important because these families qualify for special deductions from income and may qualify for a particular type of unit.

Persons with Disabilities

Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse or co-head is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 2-1. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

GHA must make all aspects of the public housing program accessible to persons with disabilities and consider reasonable accommodations requested based upon a person's disability.

Disabled Family

A *disabled family* is one in which the head, spouse or cohead is a person with disabilities. Identifying disabled families is important because these families qualify for special deductions from income and may qualify for a particular type of unit.

Even though persons with drug or alcohol dependencies are considered persons with disabilities for the purpose of non-discrimination, this does not prevent GHA from denying admission for reasons related to alcohol and drug abuse or from enforcing the lease following the GHA policies.

Guests

A *guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near PHA premises [24 CFR 966.4(f)].

Foster Children and Foster Adults

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609(c)(2)].

The term *foster child* is not specifically defined by the regulations.

Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 and HUD-50058 IB, pp. 13-14].

A foster child is a child that is in the legal guardianship or custody of a state, county or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency. GHA will require the applicant or tenant family to provide documentation to support such arrangement in their household.

Absent Family Members

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment and illness.

Generally an individual who is or is expected to be absent from the public housing unit for 90 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the public housing unit for more than 90 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to GHA indicating that the student has established a separate household or the family declares that the student has established a separate household. This applies at time of initial application as well. To be considered a family member, the individual attending school must be enrolled in an accredited two or four-year college or training institution and the student will reside in the unit during holidays and summer breaks.

Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family. If a child has been placed in foster care, GHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member for initial eligibility and continued occupancy purposes. For occupancy standards, the temporarily absent child will be counted as a family member.

Absent Head, Spouse or Cohead

An employed head, spouse or cohead absent from the unit more than 180 consecutive days due to employment, including military service, will continue to be considered a family member.

Individuals Confined for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, GHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Return of Permanently Absent Family Members

The family must request GHA approval for the return of any adult family members that GHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements.

C. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2012-10]

Families are required to provide verification of Social Security Numbers for all family members if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

GHA will deny assistance to an applicant family if they do not meet the SSN disclosure or documentation requirements.

The GHA must request the applicant and participant (including each member of the household),

who are not exempt under **SSN Disclosure**, to provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:

- An original SSN card issued by the Social Security Administration (SSA)
- An original SSA-issued document, which contains the name and SSN of the individual; or
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

Each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next annual recertification.

GHA may only reject documentation of an SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, or is not legible, or if the document appears to be forged. If the provided documentation is not acceptable evidence of the social security number, GHA will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to GHA within 90 calendar days. The explanation and request will be documented in the tenant file.

SSN Disclosure

In accordance with 24 CFR 5.216, applicants and participants (including each member of the household) are required to disclose his/her assigned SSN Card, with the exception of the following individuals:

- Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.
 - A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.
 - A family that consists of two or more household members **and at least one** household member that has eligible immigration status, is classified as a mixed family, and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. The GHA may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
- Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. The GHA may confirm HUD's validation of the participant's SSN by viewing the household's **Summary Report** or the **Identity Verification Report** in the EIV system.
- Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the

individual moves to a new assisted unit.

Disclosure of SSNs is considered information subject to the Federal Privacy Act (5 USC 552a, as amended). In accordance with 24 CFR 5.212, the collection, maintenance, use, and dissemination of SSNs, any information derived from SSNs and income information must be conducted, to the extent applicable, in compliance with that Act and all other provisions of Federal, State, and local law.

There is no provision under HUD regulations, which prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract. However, some state laws prohibit an individual with ineligible immigration status from executing a contract (i.e. lease or other legal binding documents). If this is the case in your state, the family must **not** be admitted into the program.

If the provided documentation is not acceptable evidence of the social security number, GHA will explain to the applicant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to GHA within 90 calendar days. The explanation and request will be documented in the applicant file. If the applicant family is otherwise eligible to participate in the program, the family will maintain its position on the waiting list for this 90 calendar day period.

If all household members have not disclosed their SSN at the time a unit becomes available, the available unit will be offered to the next eligible applicant family on the waiting list. At the conclusion of the 90 calendar day period and if the applicant family has still not submitted acceptable evidence of the SSN, GHA will grant the family an additional 90 calendar day period to comply with the SSN disclosure and documentation requirement if the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family.

Basic Eligibility Criteria

Income Limits

HUD is required by law to set income limits that determine the eligibility of applicants for HUD's assisted housing programs, including the public housing program. The income limits are published annually and are based on HUD estimates of median family income in a particular area or county, with adjustments for family size.

Types of Low-Income Families [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A family whose annual income does not exceed 30 percent of the median income for the area, adjusted for family size.

HUD may establish income ceilings higher or lower than 30, 50 or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility [24 CFR 960.201]

Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income-eligible, a family must be a *low-income* family.

Using Income Limits for Targeting [24 CFR 960.202(b)]

At least 40 percent of the families admitted to the PHA's public housing program during a PHA fiscal year from the PHA waiting list must be *extremely low-income* families. This is called the "basic targeting requirement." If admissions of extremely low-income families to the PHA's housing choice voucher program during a PHA fiscal year exceed the 75 percent minimum-targeting requirement for that program, such excess shall be credited against the PHA's public housing basic targeting requirement for the same fiscal year. The fiscal year credit for housing choice voucher program admissions that exceed the minimum voucher program targeting requirement must not exceed the lower of:

- Ten percent of public housing waiting list admissions during the PHA fiscal year.
- Ten percent of waiting list admission to the PHA's housing choice voucher program during the PHA fiscal year.
- The number of qualifying low-income families who commence occupancy during the fiscal year of public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

For discussion of how income targeting is used in tenant selection, see Chapter 4.

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

In order to receive assistance, at least one family member must be a U.S. citizen, U.S. nationals 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.

Those six categories are:

1. A noncitizen who has been lawfully admitted to the U. S. for permanent residence, as defined by Section 101(a)(20) of the Immigration and Nationality Act (INA) as an immigrant, as defined by Section 101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and 2101(a)(15), respectively (immigrants). This category includes a noncitizen who has been admitted under Section 210 or 210A of the INA (8 U.S.C. 1160 or 1161), (special agricultural worker), and who has been granted lawful temporary resident status;
2. A noncitizen who entered the U. S. before January 1, 1972, or such later date as enacted by law, and who has continuously maintained residence in the U. S. since

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- then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under Section 249 of the INA (8 U.S.C. 1259);
3. A noncitizen who is lawfully present in the U. S. pursuant to an admission under Section 207 of the INA (8 U.S.C. 1157) (refugee status); pursuant to the granting of asylum (which has not been terminated) under Section 208 of the INA (8 U.S.C. 1158) (asylum status); or as a result of being granted conditional entry under Section 203(a)(7) of the INA (U.S.C. 1153(a)(7) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity;
 4. A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or for reasons deemed strictly in the public interest under Section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) (parole status);
 5. A noncitizen who is lawfully present in the U. S. as a result of the Attorney Generals' withholding deportation under Section 243(h) of the INA (8 U.S.C. 1253(h)) (threat to life or freedom); or
 6. A noncitizen lawfully admitted for temporary or permanent residence under Section 245A of the INA (8 U.S.C. 1225a) (amnesty granted under INA 245A).

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

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen, national or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed families". Such applicant families will be given notice that their assistance will be prorated and that they may request a hearing if they contest this determination.

No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Ineligible Noncitizens. Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the head, spouse or cohead (regardless of citizenship status), indicating their ineligible immigration status. GHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Non-citizen students defined by HUD in the noncitizen regulations are not eligible for assistance.

No individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of at least one individual or family member.

HUD requires each family member to declare whether the individual is a citizen, a national or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, cohead and any other family member 18 or older and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status. No declaration is required for live-in aides, foster children or foster adults.

Family members who declare citizenship or national status will be required to provide additional documentation supporting the individual's declaration of citizenship and national status. Documents accepted include original birth certificate, original baptismal certificate, original naturalization certificate, unexpired INS card or Social Security card.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the PHA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English

When GHA determines that an applicant family does not include any citizens, nationals or eligible noncitizens, following the verification process, the family will be sent a written notice within 20 calendar days of the determination. The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with GHA. The informal hearing with GHA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

Time Frame for Determination of Citizenship Status

For new occupants joining the resident family the PHA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first. If an individual qualifies for a time extension for the submission of required documents, the PHA must grant such an extension for no more than 30 days [24 CFR 5.508(h)]. Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

E. OTHER ELIGIBILITY CRITERIA

All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) all applicable section of the QHWRA and sound management practices. Applicants will be required to demonstrate the ability to comply with essential obligations of the tenancy as summarized below.

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

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- To pay rent and other charges as required by the lease in a timely manner;
 - To care for and avoid damaging the unit and common areas;
 - To use facilities, appliances and equipment in a reasonable way;
 - To create no health or safety hazards, and to report maintenance needs in a timely manner;
 - Not to interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others;
 - Not to engage in criminal activity or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity on or off GHA premises;
 - Not owe debts to other landlords;
 - To not commit fraud against any assisted housing program;
 - To comply with necessary and reasonable rules and program requirements of HUD and GHA; and,
 - To comply with local health and safety codes.
 - Is not on the GHA banned list

In the event of the receipt of unfavorable information with respect to an applicant, the GHA must consider the time, nature and extent of the applicant's conduct (including the seriousness of the offense). As discussed in Chapter 2-G, the GHA may also need to consider whether the cause of the unfavorable information may be that the applicant is a victim of domestic violence, dating violence or stalking.

Required Denial

If any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine in any location, not just federally assisted housing, the family will be denied admission.

If any household member is currently registered as a sex offender under any State registration requirement, regardless of whether it is for lifetime or not, the family will be denied admission.

Denial of Admission for Previous Debts to GHA or Any Other PHA

Previous outstanding debts to GHA or any Public Housing Authority (PHA) resulting from a previous tenancy in the public housing, Section 8, or assisted housing program must be paid in full prior to unit offer. No Payment Agreement will be accepted at move-in.

Either spouse and/or co-head are responsible for the entire debt incurred as a previous GHA tenant. Children of the head or spouse who had incurred a debt to GHA will not be held responsible for the parent's previous debt. In no case will the debt be forgiven. An applicant is

deemed preliminarily ineligible and shall be rejected and not placed on the GHA waiting list if they were the head of household, spouse or cohead at the time of past residency at GHA or another PHA and owes a move-out balance or debt to GHA or another PHA which is not barred by a statute of limitations. There is a three-year statute of limitation, which ends the latter of:

- Three years from the date the debt became delinquent, or
- Three years from the date the final payment would have been due if a repayment agreement was signed by the former tenant.

Denial of Admission for Previous Debts to Landlords

Previous outstanding debts to previous landlords shall be paid before the applicant is processed by GHA for a unit to be occupied.

Applicants with previous PHA debts will be permitted to execute a Payment Agreement at the time of pre-application, but 100% of the debt must be paid prior to offer of a unit.

GHA reserves the right, in the case of extreme hardship, i.e. homelessness, to enter into a Payment Agreement. Full documentation of the hardship will be required. In no case will the debt be forgiven.

F. NON-ECONOMIC ELIGIBILITY CRITERIA (Including Criminal/Drug)

As part of eligibility determination, the Authority will screen each applicant household to assess its suitability as renters.

Factors not related to economics to be considered are housekeeping habits, prior history as a tenant, criminal records, and the ability of the applicant to maintain the responsibilities of tenancy.

Considerations for Determining Qualifications

In determining qualifications for tenancy, GHA shall consider the following items:

- Whether the conduct of the applicant in present or prior housing has been such that admission to the program would adversely affect the health, safety, or welfare of other residents, or the physical, environmental, or financial stability of the development.
- Conduct in previously assisted housing as determined by information through EIV and other reliable sources. If unfavorable information is obtained, then applicant/tenant must provide further information that the negative information has been fully resolved before GHA will allow the family any further processing for program benefits.
- GHA shall rely upon sources of information which may include, but not limited to, GHA records, the records of other housing authorities, personal interviews with the applicant or tenant, home visits, interviews with previous landlords, employers, parole officers, criminal and court records, clinics, physicians, or the police department. This will be done in order to determine whether prior conduct and behavior of a particular applicant or tenant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety, or welfare.

In making a decision to deny assistance, the GHA will consider factors discussed in Chapter 2-G, **PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [Pub.L. 109-162]**

An authorized representative of GHA shall document any pertinent information relative to the following:

- **Criminal Activity** – including the activities further defined herein as of a criminal nature.
- **Pattern of Violent Behavior** – includes evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to neighbors' peaceful enjoyment of their premises. HUD defines violent criminal activity as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity was/is being engaged in by any family member.
- **Pattern of Drug Use** – includes a determination by GHA that the applicant has exhibited a pattern of illegal use of a controlled substance that might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- **Drug Related Criminal Activity** – includes a determination by GHA that the applicant has been involved in the illegal manufacture, sale, distribution, use or possession of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).
- **Pattern of Alcohol Abuse** – includes a determination by GHA that the applicant's pattern of alcohol abuse might interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.
- **Initiation of Threats** – or behaving in a manner indicating intent to assault employees or other residents.
- **Abandonment of a Public Housing Unit or Other Assisted Housing Unit ("skipped")** – any abandonment of a unit assisted by HUD without advising the administering housing authority's personnel of intent to vacate so that the unit may be properly secured and protected from any vandalism.
- **Non-payment of Rightful Obligations** – including rent and/or utilities and other charges owed to GHA or another housing authority.
- **Intentionally Falsifying an Application for Leasing** – including providing false information about family income and family composition, using an alias on the application for housing, or making any other material false statement or omission intended to mislead.
- **Record of Serious Disturbances of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior** – consists of patterns of behavior which endanger the life, safety, or welfare of other persons by physical violence, gross negligence or irresponsibility, which damage the equipment or premises in which the applicant resides, or which are seriously disturbing to neighbors or disrupt sound family and community

life, indicating the applicant's inability to adapt to living in a multi-family setting. Includes judicial termination of tenancy in previous housing on grounds of nuisance or objectionable conduct, or frequent loud parties, which have resulted in serious disturbances of neighbors.

- **Unsanitary Housekeeping** – includes the creation of a fire hazard through acts such as hoarding rags, papers, or other materials; severe damages to premises and equipment caused by the family or persons under control of the family; seriously affecting neighbors by causing infestations, foul odors, depositing garbage outside of normal trash receptacles, or serious neglect of the premises. This category does not include families whose housekeeping is found to be superficially unclean or due to lack of orderliness, where such conditions do not create a problem for neighbors or a threat to health and safety.
- **Destruction of Property** – damage to any previous rentals or property that the family has resided in.
- **Whether Applicant or Tenant is Capable of Maintaining the Responsibilities of Tenancy** – In the case of applicants for admission, the person's present living arrangements and a statement obtained from the applicant's physician or social worker will be among factors considered in making this determination. The availability of a Live-In Aide will be considered also in making this determination.

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, and to factors that might indicate a reasonable probability of favorable future conduct.

The GHA shall not admit persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug related criminal activity within the past three (3) years preceding date of interview.

The GHA may waive this requirement if the person demonstrates that he/she:

- Has successfully completed a supervised drug or alcohol rehabilitation program approved by GHA;
- The circumstances leading to the eviction no longer exists (i.e. the individual involved in drugs is no longer in the household because the person is incarcerated).

The GHA shall use the deny assistance based on the level of criminal offense.

Level of Offense	Length of Wait
Level 1	Lifetime Ban
Level 2	7 years
Level 3	3 years
Other	N/A

Level 1 Offense

Level 1 offenses include the most serious of crimes and offenses that disqualifies a individual from assisted housing for a lifetime.

HUD Required Lifetime Denial

In no event shall a person convicted of drug related criminal activity for manufacturing or producing methamphetamine (also called “speed”) in any location be determined eligible for public housing. Such individuals are permanently denied admission to all federally assisted housing programs.

If any household member is currently registered as a sex offender under any State registration requirement, regardless of whether it is for lifetime or not, the family will be denied admission.

GHA Policy

If the person is convicted for murder, rape, and/or other sex-related crimes, child molestation, incest, gross lewdness, kidnapping, or arson, the person will be permanently denied admission.

Level 2 Offense

The GHA shall not admit persons who have engaged in violent criminal activity within the seven (7) years preceding the date of interview. Conviction of a felony is a Level 2 offense and admission will be denied for seven years from the date of the conviction.

Level 3 Offense

Applicants whose pattern of illegal use of a controlled substance or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents within the past three (3) years preceding the date of interview.

The GHA shall not admit persons that have been engaged in the illegal drug activity within the three (3) years preceding the date of interview. Any member of the household that has been evicted from federally assisted housing in the last three (3) years for drug related criminal activity.

If in the past the GHA initiated a lease termination, which may or may not have resulted in eviction for any reason cited under the One Strike Notice (PIH 96-27) or amended changes, for a family, as a prior resident of public housing, the family shall be ineligible for admission to Public Housing for a three (3) year period beginning on the date of such eviction. The GHA will not waive this requirement, even in the event of rehabilitation efforts on part of the family or family member.

Abusive or violent behavior towards GHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Evidence of such criminal activity includes, but is not limited to, any record of convictions,

arrests or evictions for suspected drug-related or violent criminal activity of household members. A conviction for such activity will be given more weight than an arrest or an eviction.

Administration

GHA complies with all Fair Housing laws. All screening procedures shall be administered fairly and in such a way as not to discriminate against any legally protected groups, and not to violate right to privacy.

Applicants have the right to request a Reasonable Accommodation. GHA will consider all Reasonable Accommodation requests under the Fair Housing Act and Section 504 of the American Disabilities Act. Information related to the Fair Housing Act, Section 504 and Requests for Reasonable Accommodation will be included in the denial letters.

In determining the criminal background for admission, the GHA will not deny the family if the member is a “victim” of domestic violence as stated and protected under the Violence Against Women Act.

If the basis for the denial relates to family violence, the applicant may qualify for an exception under the VAWA Amendments. Information related to VAWA will be included in the denial letters.

To the maximum extent possible, the GHA will involve other community and governmental entities in the promotion and enforcement of this policy.

In evaluating evidence of negative past behavior, the GHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

In order to obtain access to the records the PHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903]. The GHA will perform criminal background checks through local law enforcement for all adult household members.

The GHA is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

The PHA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

If the results of the criminal background check indicate there may have been past criminal activity, but the results are inconclusive, the PHA may request the applicant to be fingerprinted and will request the information from the National Crime Information Center (NCIC).

If the GHA proposes to deny admission based on a criminal record or on lifetime sex offender registration information, the GHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].

The GHA will ensure that any criminal record received is maintained confidentially, not misused, or improperly disseminated, and destroyed, unless it's in conflict with state and local law, once the purpose for which it was requested is accomplished.

Hearings

If information is revealed that would cause the GHA to deny admission to the household and the person disputes the information, he/she shall be given an opportunity for an informal hearing according to GHA's hearing procedures outlined in the Chapter on Complaints, Grievances and Appeals.

G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

The Violence against Women Reauthorization Act of 2005 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual violence, or stalking [24 CFR 5.2005 (b)]. Specifically, Section 607(2) of VAWA adds the following provision to Section 6 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the public housing program:

Every contract for contributions shall provide that . . . the public housing agency shall not deny admission to the project 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, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

Definitions

As used in VAWA:

- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship

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- The frequency of interaction between the persons involved in the relationship
 - The term *stalking* means:
 - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; 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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.
 - The term *immediate family member* means, with respect to a person:
 - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
 - Any other person living in the household of that person and related to that person by blood and marriage.

Notification and Victim Documentation [24 CFR 5.2007]

GHA Policy

The GHA acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history that would warrant denial under the GHA's policies. Therefore, if the GHA makes a determination to deny admission to an applicant family on the basis of an unfavorable history, the GHA will include in its notice of denial a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, or stalking.

The documentation must include two elements:

A signed statement by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking

One of the following:

- A police or court record documenting the actual or threatened abuse
- A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and

the victim must sign or attest to the statement.

The applicant must submit the required documentation with her or his request for an informal hearing or must request an extension in writing at that time. If the applicant so requests, the GHA will grant an extension of 10 business days, and will postpone scheduling the applicant's informal hearing until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant the GHA determines the family is eligible for assistance, no informal hearing will be scheduled and the GHA will proceed with admission of the applicant family.

Perpetrator Removal or Documentation of Rehabilitation

GHA Policy

In cases where an applicant family includes the perpetrator as well as the victim of domestic violence, dating violence, or stalking, the GHA will proceed as above but will require, in addition, either (a) that the perpetrator be removed from the applicant household and not reside in the public housing unit or (b) that the family provide documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment.

If the family elects the second option, the documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

This additional documentation must be submitted within the same time frame as the documentation required above from the victim.

GHA Confidentiality Requirements

All information provided to the GHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

H. SCREENING FOR SUITABILITY [24 CFR 960.204, 960.205]

It is the policy of GHA to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood, or on the quality of life for its residents.

GHA will conduct a detailed interview of all applicants. The interview form will contain questions designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. All information will be subject to third party verification.

An applicant's intentional misrepresentation of any information related to eligibility, award of

preference for admission, housing history, allowances, family composition or rent will result in denial of admission.

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease, either all or with assistance which they can demonstrate that they have or will have at the time of admission. The availability of assistance is subject to verification by GHA.

The GHA's minimum age for admission as head of household is 18. This requirement is to avoid entering into leases that would not be valid or enforceable under applicable law. Exception to the age requirement may be granted to those with emancipation status as granted by a court of law. GHA will not allow under any circumstances a parent or legal guardian to co-sign a lease on behalf of an applicant in order to bypass the age requirement.

As a part of the final eligibility determination, GHA will screen each applicant household to assess their suitability as renters.

GHA will run EIV reports and complete a credit check of each applicant so as to determine past rental history, including any possibility of bad debts to any federally assisted housing programs.

GHA's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:

- The applicant's past performance in meeting financial obligations, especially rent.
- Eviction or a record of disturbance of neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors.
- Any history of criminal activity on the part of any applicant family member involving criminal acts, including drug-related criminal activity.
- Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors.
- Any history of initiating threats or behaving in a manner indicating intent to assault employees or other tenants.
- Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.
- The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by GHA. The information to be considered in the screening process shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing.

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

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- Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare. [24CFR 960.204(b)]
 - Adversely affect the physical environment or financial stability of the project.
 - Violate the terms and conditions of the lease.
 - Require services from PHA staff that would alter the fundamental nature of the PHA's program.

Rent Paying Habits

GHA will examine any Housing Authority records from a prior tenancy, and will request written references from the applicant's current landlord and may request written references from former landlords (for up to the past 5 years).

Based upon these verifications, GHA will determine if the applicant was chronically late with rent payments, was evicted at any time (during the past 5 years) for nonpayment of rent, or had other legal action initiated against him/her for debts owed. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

Applicants will not be considered to have a poor credit history if they were late paying rent because they were withholding rent due to substandard housing conditions in a manner consistent with a local ordinance;

The lack of credit history will not disqualify a family, but a poor credit history may, with the exceptions noted above.

Screening Applicants Who Claim Mitigating Circumstances

Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified would indicate both: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, and the applicant's prospect for lease compliance is an acceptable one, justifying admission.

If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order to be factored into the PHA's screening assessment of the applicant, mitigating circumstances must be verifiable.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, GHA shall have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. GHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

Examples of Mitigating Circumstances

Examples of mitigating circumstances include:

- Evidence of successful completion of a supervised drug or alcohol rehabilitation program approved by GHA (at least six months prior to preliminary screening);
- Evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by GHA; and/or
- Evidence of the applicant family's successful and sustained modifications of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. GHA will consider such circumstances in light of:

- The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and
- The applicant's overall performance with respect to all the screening requirements.

Qualified and Unqualified Applicants

Information that has been verified by GHA will be analyzed and a determination will be made with respect to:

- The eligibility of the applicant as a family;
- The eligibility of the applicant with respect to income limits for admission;
- The eligibility of the applicant with respect to citizenship or eligible immigration status;
- The eligibility of the family for suitability, non-criminal requirements, etc.;
- Preference category to which the family is entitled .

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

Applicants who are determined to be unqualified for admission will be promptly notified with a Notice of Denial of Admission stating the reason for the denial. In the case of criminal status denial for admissions, the GHA will provide the opportunity to review the documents prior to the denial. GHA shall provide applicants an opportunity for an informal hearing (see Chapter titled "Complaints, Grievances, and Appeals.")

Applicants who have requested a reasonable accommodation as a person with a disability and who have been determined eligible, but fail to meet the Applicant Selection Criteria, will be offered an opportunity for a second meeting to have their cases examined to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the screening procedures.

The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by GHA, such as turnover rates, and market demands as they affect bedroom sizes and project location.

Documenting Findings

An authorized representative of GHA shall document any pertinent information received relative to the admission and eligibility requirements.

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 and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects.

I. HEARINGS

If information is revealed that would cause GHA to deny admission to the household and the person disputes the information, s/he shall be given an opportunity for an informal hearing according to GHA's hearing procedures outlined in Chapter 13, Complaints, Grievances and Appeals.

J. CRITERIA FOR DECIDING TO DENY ASSISTANCE or TERMINATION

GHA Policy

The GHA will use the concept of the preponderance of the evidence as the standard for making all admission and termination decisions.

Preponderance of the evidence is defined as the greater weight of the evidence; that is, evidence that you believe because it outweighs or overbalances in your mind the evidence opposed to it. A preponderance means evidence that is more probable, more persuasive, or of greater probative value. It is the quality of the evidence that must be weighed. Quality may, or may not, be identical with quantity (the greater number of witnesses).

Consider all evidence. In determining whether an issue has been proved by a preponderance of the evidence, you should consider all of the evidence, regardless of who produced it.

Equally balanced. If the weight of the evidence is equally balanced, or if you are unable to determine which side of an issue has the preponderance, the party who has the burden of proof has not established such issue by a preponderance of the evidence.

Notice policies related to preliminary ineligibility

If an applicant is determined not to be eligible, the applicant shall be notified in writing of such ineligibility. The notice must specify the reasons for the determination and offer the applicant an opportunity for a review of the decision. If the rejection was based on a debt owed to GHA or another PHA, the notice shall inform the applicant that she or he has 100% of the amount owed to GHA or another PHA prior to move in date. If the applicant is denied due to a delinquent debt owed to the utility company, the notice will also inform the applicant that he or she has the option, within 10 calendar days from the date of the notification letter to submit documentation that the applicant has either paid the

balance(s) owed or entered into a payment agreement with the utility company that will allow the applicant to obtain utility services. If the documentation is submitted within the specified 10 calendar day period, the Occupancy department will continue to process the applicant's file without requiring an informal hearing.

If the applicant makes a written request for an informal hearing for a rejection based upon a move-out balance due or debts to GHA or another PHA within the time frame allowed, the Hearing Officer will conduct the informal hearing. This review does not deprive the applicant of other rights if she or he believes that she or he has been discriminated against on the basis of being in a protected class. The informal review shall only review the particular decision in question. If the Hearing Officer believes that the rejection was improper, the applicant's application shall be processed in the same manner as all other applications in accordance with the date and time the application was received by GHA. If the rejection is found to be proper, the applicant must pay 100% of the balance prior to move in. Full payment by money order or certified funds is required before the applicant is offered a housing unit.

If the applicant makes a written request for an informal hearing for a rejection based upon other preliminary eligibility criteria within the time frame allowed, the Hearing Officer will conduct the informal hearing. This review does not deprive the applicant of other rights if she or he believes that she or he has been discriminated against on the basis being in a protected class. The informal review shall only review the particular decision in question. If the Hearing Officer believes that the rejection was improper, the applicant's application shall be processed in the same manner as all other applications in accordance with the date and time the application was submitted. The applicant will be entitled to review all documentation, including police reports, which are relied upon by GHA and provided the opportunity to dispute the accuracy and relevance of that record. If the Hearing Officer decides that the rejection was proper, the rejection will be final. The applicant will not be eligible to reapply or have this decision reviewed again until the proper time has elapsed.

Additional policies relating to the informal hearings process can be found in Chapter 13.

K. ONE STRIKE PROVISIONS

Purpose

It is the policy of the Goldsboro Housing Authority that all residents shall enjoy decent, safe, and sanitary living conditions.

Authority

Drug-related criminal activity, other criminal activity, and alcohol abuse in public housing and assisted housing communities increases resident fear and decrease unit marketability. Therefore, the Housing Authority will not tolerate such behavior from its applicants or residents. **UNLESS OTHERWISE PROVIDED BY LAW, PROOF OF VIOLATION SHALL NOT REQUIRE**

CRIMINAL CONVICTION, BUT SHALL BE BY PREPONDERANCE OF EVIDENCE.

Definitions

Drug related criminal activity is defined as the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance.

Procedures for Applicants

1. The Housing Authority shall screen and deny admission to any applicant whereby either the applicant or authorized occupants proposed by applicants:
 - a. Has a recent history of criminal activity involving crimes to persons and/or other criminal acts that affect the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - b. Was evicted from assisted housing within three years of the projected date of admission because of drug-related criminal activity. This requirement may be waived if:
 - i. The person demonstrates successful completion of a rehabilitation program approved by the Housing Authority (at least six months prior to preliminary screening); or
 - ii. The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated;
 - c. The Housing Authority has determined the applicant to be illegally using a controlled substance; the Housing Authority has determined the applicant to be abusing alcohol in a way that may interfere with the health, safety or right of peaceful enjoyment of the premises by other residents;
 - d. The Housing Authority has determined that there is a reasonable cause to believe the applicant's pattern of illegal use of a controlled substance or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
2. The Housing Authority may waive policies prohibiting admission in these circumstances if, the applicant demonstrates to the Housing Authority's satisfaction that the applicant is no longer engaging in illegal use of a controlled substance or abuse of alcohol, and;
 - a. The applicant has successfully completed a supervised drug or alcohol rehabilitation program; or,
 - b. The applicant has otherwise been rehabilitated successfully.

Procedures for Residents

- The Housing Authority shall terminate the tenancy/rental assistance of any resident who:
 - The Housing Authority has determined is illegally using a controlled substance;
 - The Housing Authority has determined that the resident's abuse of alcohol

interferes with the health safety or right to peaceful enjoyment of the premises by other residents; or,

- The Housing Authority has determined to be engaging in drug-related criminal activity, either on or off the premises; or,
- Engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Procedures for Housing Authority

1. The Housing Authority shall track crime-related problems at its developments and report any incidents to the local police authorities in order to improve law enforcement and crime prevention.
2. The Housing Authority will forward any resident complaints received concerning crime-related problems to the local police authorities.
3. The Housing Authority will review police reports and newspaper articles concerning crime-related problems with its residents, and bring such problems to the attention of local police authorities.
4. The Housing Authority shall document its progress toward meeting its goals under the implementation plan for any drug prevention or crime reduction program funded by the Department of Housing and Urban Development and being administered by the Housing Authority

Reasonable Accommodation

If the family includes a person with disabilities, GHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, GHA will determine whether the behavior is related to the disability. If so, upon the family's request, GHA will determine whether alternative measures are appropriate as a reasonable accommodation. GHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission.

Exemption from Eligibility Requirements for Police Officers and Other Security Personnel

The Authority shall be permitted to admit to Public Housing, police officers and other security personnel who are not otherwise eligible for such housing under any other admission requirements or procedures (i.e. police officers would not be required to be income eligible to qualify for admission to the Public Housing program.) HUD's objective in granting this exemption is to permit long-term residency in public housing developments of police officers and security personnel whose visible presence is expected to serve as a deterrent to criminal activity in and around housing.

Before GHA would be permitted to house police officers or other security personnel under this

provision and as contained in the five-year plan, GHA would submit to HUD the Housing Authority's standards and criteria for approval/waiver of admission criteria in accordance with 24 CFR 960.501.

Chapter 3

APPLYING FOR ADMISSION

INTRODUCTION

The policy of GHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. HUD requires GHA to place all eligible families that apply for public housing on a waiting list. HUD regulations require that GHA comply with all equal opportunity requirements and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103, PH Occ GB p. 13]. Adherence to the selection policies described in this chapter ensures that GHA will be in compliance with all relevant fair housing requirements, as described in Chapter 1.

This Chapter describes the policies and procedures for completing an initial application for assistance, placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but GHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Policy. When a unit becomes available, GHA must select families from the waiting list in accordance with HUD requirements and GHA policies.

A. HOW TO APPLY

GHA is required to adopt a clear approach to accepting applications, placing families on the waiting list and selecting families from the waiting list, and must follow this approach consistently.

Families who wish to apply for any of GHA's programs must complete an application form when the waiting list is open. A Telecommunication Device for the Deaf (TDD) is available for the hearing impaired. The TDD telephone number is 711.

The GHA ensures that verification of all HUD, State, local, and GHA eligibility factors as pursuant to the program are current and in order to determine the family's eligibility for an offer of a suitable unit.

Accessibility of the Application Process

If the applicant is unable to complete the application form, by verifying the need to make a reasonable accommodation through documentation or visual observation, as applicable, and the applicant has represented that he or she has no one to assist him or her, a GHA employee shall assist

the applicant in completing the application form based upon the information provided by the applicant.

Limited English Proficiency

Chapter 1 provides a full discussion on GHA's policies related to ensuring access to people with limited English proficiency (LEP).

B. APPLICATION PROCEDURES

The application process will involve a single phase. Applications are taken on Tuesdays from 9:00 to 2:00 PM at the Occupancy Department, with the exception of holidays. Interviews are held at the same time.

The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.

Except as specified below, no applications will be taken by phone. If the head of household resides outside of the Goldsboro metropolitan area, is elderly or has a verifiable disability which prevents the applicant, or person on the applicant's behalf, to obtain an application from the GHA Occupancy department, GHA will mail the application to the applicant via first class mail. Applications must be complete in order to be accepted by GHA for processing. The application must be signed by the applicant or a person with power of attorney on behalf of the applicant. Incomplete applications will not be accepted and will not be file stamped with the date and time, and will be returned to the applicant. If the application was mailed, an Occupancy representative will highlight the incomplete portions of the application and mail the application back to the applicant for completion.

Under no circumstances will anyone be denied the right to request or submit an application. Upon receipt, the application will be file stamped with the date and time it was received. Unless unable due to a disability, the applicant shall fill out all entries on the application form in ink or by a typewriter.

Corrections to the application are to be made by lining through the original entry and substituting the correct data. Such changes are to be dated and signed by the person making the change with a notation specifying the reasons for the change.

Complete signatures are to be used by GHA employees in signing all applications, leases and entries to historical sheets and verification documentation.

At a minimum, the application will contain questions designed to obtain the following information:

- Names of head of household, spouse/co-head

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- Names of all members and age of all members
 - Number of family members (used to estimate bedroom size needed)
 - Street address and phone numbers
 - Mailing address (If PO Box or other permanent address)
 - Annual income
 - Source(s) of income received by household members
 - Information regarding request for reasonable accommodation or for accessible unit
 - Social Security Numbers
 - Race/ethnicity
 - Arrests/Convictions for Drug Related or Violent Criminal Activity
 - Lifetime Sex Offender Status
 - If any family member has received an Earned Income Disallowance
 - Questions regarding previous participation in HUD programs

Applicants will be asked to complete the following documents:

- A Personal Declaration Form (Application) prior to the interview. The Applicant will complete the entire application form and will sign and certify that information is complete and accurate.
- Release of Information Forms including authorization form for criminal background checks of all adult household members, and consent for verification of immigration status;
- Applicants will be required to participate in an interview with a GHA representative and required to furnish complete and accurate information as requested by the interview. .

Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

GHA requires an interview and information on the application will be verified prior to admission. Final eligibility will be determined when the full application process is completed

and all information is verified.

Applicants are required to inform GHA in writing of changes in family composition, income, and address. Applicants are also required to respond to requests from GHA to update information on their application, or to determine their continued interest in assistance. Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list.

Corrections, updates, or changes on applications will be documented. Obsolete information on paper forms of applications shall be lined through, initialized and dated by the employee making such changes or by the applicant. All changes are required to be in writing.

C. PREFERENCE DEFINED

PHAs are permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or GHA to receive preferential treatment.

Eligible applicants shall be offered a dwelling unit based on the date and time of application, after taking into consideration the size of the unit and, if applicable, the appropriate local preference.

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

- Elderly
 - Defined in Chapter 2.
- Disabled
 - Defined in Chapter 1, Exhibit 1
- Families displaced as a result of natural disaster or government action
 - Certification from a unit of government concerning displacement due to natural disaster; or
 - Certification from a unit of government concerning displacement due to code enforcement or public improvement/development or displacement by inaccessibility of a unit.
 - The displacement must have occurred within six months of requesting the

involuntary displacement preference.

- Homeless Families
 - Definition of Homeless: An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - Sleeping in a place not designed for or ordinarily used as a regular sleeping accommodation;
 - Or, living in a shelter (designated to provide temporary living arrangements);
 - Or, exiting an institution with no subsequent residence identified where they resided for 90 days or less AND were residing in emergency shelter or place not meant for human habitation immediately before entering institution;
- Residency Preference
 - For the purpose of priority for admission, the GHA will provide for a residency preference for persons who reside or work in Wayne County, over families that do not reside or work within Wayne County.
- Displacement by domestic violence, dating violence or stalking
 - The person must meet the federal definition of domestic violence, dating violence or stalking as defined by the Violence Against Women Act
 - To qualify as involuntarily displaced because of domestic violence
 - The GHA must determine that the domestic violence occurred recently or is of a continuing nature and the GHA may require certification by the victim of the victim's status on such forms as the GHA and/or HUD shall approve
- Displacement to Avoid Reprisals
 - A family must provide information on criminal activities to a law enforcement agency
 - Based on the threat assessment, a law enforcement agency recommends rehousing the family or minimize a risk of violence against family members as a reprisal for providing such information
 - The GHA may establish appropriate safe guards to conceal the identity of families protection against such reprisals
- Displacement by hate crimes
 - One or more members of the applicants family have been victim of hate crimes
 - The applicant has vacated a housing unit because of such crime, or fear as associated with such a crime that has cause them to vacate a unit

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- Definition of “Hate Crime” – Actual threat or threatened physical violence or intimidation that is directed against a person or his/her property and that is based on the person’s race, color, religion, sex, national origin, handicap, familial status or sexual orientation. The GHA must determine the hate crime involved, occurred recently or is of a continuing nature
 - Displacement by a inaccessible unit
 - A member of the family has a mobility or other impairment that makes the person to use critical elements of the unit; and
 - The owner is not legally obligated to make the changes to the unit that would make critical elements accessible to the disabled person as a reasonable accommodation
 - Displacement because of HUD disposition of a multifamily project
 - Involuntary displacement includes displacement because of disposition of a multifamily rental housing project by HUD under Section 203 of the Housing Community Development Amendments of 1978.

- Living in Substandard Housing

A unit is substandard if it meets the following standards in addition to meeting the City of Goldsboro or County of Wayne minimum housing codes:

- It is dilapidated
- Does not have operable indoor plumbing
- Does not have usable flush toilet inside the unit for the exclusive use of the family
- Does not have a usable bathtub or shower inside the unit for the exclusive use of the family
- Does not have electricity, or has inadequate or unsafe electrical service
- Does not have safe or adequate heat
- Should, but does not have a kitchen
- Has been declared unfit for habitation by an agency or unit of government

- Dilapidated Unit

A housing unit will be dilapidated if:

- The unit does not provide safe and adequate shelter and in its present condition, endangers the life, health, safety or well-being of the family; or
- The unit has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. The defects may involve original construction, or they may result from continued neglect or repair or from serious damage to the structure.

- **Paying More Than 50% of Family Income As Rent**

For purposes of determining whether an applicant qualifies for rent burden preference, the GHA must verify that the applicant is paying for than 50% of family income for rent as determined:

- Family Income means monthly income
- Rent is:
 - Actual monthly amount due under a lease or occupancy agreement between a family and the family's current landlord; plus
 - The monthly amount of residence-supplied utilities which can be either:
 - The GHA's reasonable estimate of the cost of such utilities, or
 - The average monthly payments the family actually made for these utilities in the most recent 12-month period, or shorter period if appropriate. The applicant may choose which method they desire to calculate utilities

Any 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. If a applicant owns a mobile home and rents the space upon which it is located, then "rent" must include monthly payments made to amortize the purchase price of the home.

Members of a cooperative are "renters" for the purpose of qualifying for the preferences. In this case, "rent" would mean the charges under occupancy agreements.

- **Working Preference**

- Families with a head of household or spouse that is gainfully employed or receiving "earned income" which is countable under HUD's definition of "Family Income", including families on the Workfirst Program; and
- Families who are in or have completed educational or training programs designed to prepare them for the job market

Target Income Requirements

There is one local preference to accommodate the income-targeting requirement in effect based on ranges of income. Applicants will be grouped as follows:

- **Tier I:** Families with incomes between 0% and 30% of area median income (this group **must** constitute at least 40% of all admissions in any year);
- **Tier II:** Families with incomes between 31% and 80% of area median income (the target for this group is 60% of all admissions in any year).

Additional Method of Applying Preferences

To ensure that GHA admits the statutorily required 40% of applicants per year with incomes in Tier I and, at the same time, does not create concentrations of families by income at any of its properties, GHA will rank applicants within income tiers and apply the date and time. Four out of every ten applicants admitted will be from Tier I. Within the qualifying bedroom sizes, offers will be made by oldest application¹.

- (a) GHA will house applicants from Tiers I and II on the waiting list by selecting the oldest application on file.
- (b) GHA will also offer units to existing residents on the transfer list. Some types of transfers are processed before new admissions and some types of transfers are processed with new admissions. Transfers do not count toward the 40% Tier I requirement.
- (c) GHA will not hold units vacant for non-responsive applicants, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants.

Other Provisions for Preferences

The qualification for preference must exist at the time the preference is verified regardless of the length of time an applicant has been on the Waiting List. The preference is based on current status of the family at the time of interview.

Individuals shall only be able to claim one preference.

Notwithstanding all the above preferences, families who are elderly, disabled or displaced will be offered housing before other single persons.

Buildings Designed for the Elderly and Disabled

Preference will be given to elderly and disabled families for buildings or units that are specifically designed for the elderly or disabled. If there are no elderly or disabled families on the list, preference will be given to near-elderly families. If there are no near-elderly families on the waiting list, units will be offered to families who qualify for the appropriate bedroom size using the above preferences and according to date and time of application..

D. COMPLETION OF A FULL APPLICATION

All preferences claimed on the preliminary application or while the family is on the waiting list will be verified before the family is selected from the waiting list.

An Applicants preference must exist at the time the preference is verified and at the time of admission regardless of the length of time an applicant has been on the waiting list. The preference is based on current status.

Requirement to Attend Interview

GHA utilizes the interview to discuss the screening process, to clarify information that has been provided by the family, and to ensure that the information is complete. The interview is also used to provide information about the application and verification process, as well as to advise the family of other GHA services or programs that may be available.

All adult household members are required to attend the interview and sign the housing application. Exceptions may be made for adult students attending school out of state or for members for whom attendance would be a hardship.

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

All adult members must sign form HUD-9886, "Release of Information"; the declarations and consents related to citizenship/immigration status; and any other documents required by GHA. Applicants will be required to sign specific verification forms for information that are not covered by the HUD-9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by GHA.

Information provided by the applicant will be verified, including information related to family composition, income, allowances and deductions, assets, eligible immigration status, full time student status and other factors related to preferences, eligibility and rent calculation.

If GHA determines at or after the interview that additional information or document(s) are needed, GHA will request the document(s) or information in writing. The family will be given **fourteen (14)** working days to supply the information; however extensions may be given for extenuating circumstances such as information that must be obtained from out of state.

If the information is not supplied in this time period, GHA will provide the family a notification of denial for assistance. (See Chapter 13 –on Complaints, Grievances and Appeals.)

E. PROCESSING APPLICATIONS

As families apply, the following items will be verified to determine qualification for admission:

- Preference verification
- Family composition and type (elderly/non elderly), inclusive of family status, familial/marital status when needed for Head or spouse definition, or for inclusion in the household of a minor who is not yet born to or adopted by the assisted family, or legal guardianship, or right to custody, including temporary right to custody.
- Annual Income* inclusive of tips and meals, including income that is expressly excluded by regulation where the GHA is required verify.
- Assets and Asset Income*

- Deductions from Annual Income including but not limited to full-time student status, including students who are 18 or over, childcare expenses for children under 13 where such expenses allow an adult family member to be employed or to further his/her education or seek employment, total medical expenses of all family members in households whose Head or spouse is elderly or disabled, disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus which allow an adult family member to be employed, disability for determination of allowance or deductions.
- Social Security Numbers (SSN) of all eligible family members when they have a SSN Certification. Members that do not declare eligibility will be required to execute a document that member does not have Social Security Number.
- Non-economic selection criteria used in applicant screening, inclusive of criminal history report, past landlord reports, credit reports, rent payment history.
- Citizenship or eligible immigration status, including date and place of birth.

Timeliness of Verifications

All verifications will be obtained prior to determination of eligibility to ensure that current and accurate data is being used in calculating rents and eligibility.

Certification by the appropriate staff member will be made when verification of all necessary items for each application is completed.

Verifications for the public housing program must be dated within 60 days from the date of the request date and not exceed 120 days in age, prior to admission to the unit. The family will be interviewed prior to admission to update any change in status. If changes are reported, they will be verified to determine their effect on eligibility, preference rating (if any), rent, and unit size required.

The applicant file shall contain documentation of all verifications.

Systems of Verification

Upfront Income Verification (UIV): The verification of income at admission or before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals. HUD's **Enterprise Income Verification System (EIV)** is considered to be this method.

To assure that the data upon which determinations of eligibility, preference status (if any), rent to be paid, and size of dwelling unit required are based on full, true, and complete information to the best of staff's ability, the data on each applicant shall be verified and consist of the following types and systems of verification:

GHA will consult the EIV system on all applicants. The EIV will be used to determine if the applicant is in the HUD system, determine if they are being assisted by other programs in the HUD data-base, and determine if they were previously being assisted by another PHA.

GHA shall use the streamlined verification system allowed by HUD whenever possible. The simplifying the income verification process is as follows:

- Tenant reports income and provides current documents
- GHA consults EIV system, and prints income details report (include in tenant file-except PHAs in Florida, who should print and maintain EIV ICN printout in the tenant file
- If additional information is not needed, the GHA uses the current tenant-provided documents to calculate anticipated annual income
- 3rd party verification is only required if:
 - The tenant disputes the EIV data
 - Additional information is required as determined by the GHA, such as
 - Effective dates of employment
 - Pay rate, number of hours worked, pay frequency for new jobs
 - Confirmation of changes in circumstances (reduced hours, reduces rates of pay, etc.)
 - The GHA will use current tenant-provided documents or most current information to calculate anticipated annual income

If third party verification is not received directly from the source, GHA staff will document the file as to why third party verification was impossible to obtain and another method was used (such as reviewing documents families provide.)

The GHA will not delay the processing of an application beyond 14 consecutive days because a third party information provider does not return the verification in a timely manner.

For applicants, verifications used to determine adjusted income may not be more than 120 **days** old at the time of the original lease. All tenant-supplied documents supplied should be dated within the last 120 days of the interview or reexamination. Pay stubs should be current and consecutive.

Regardless of these timeframes, Criminal History Reports will be useable as a valid verification for no longer than 90 days and will be re-verified prior to offer.

F. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

After the verification process is completed, GHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by GHA, and the tenant suitability determination (see Chapter on Eligibility for Admission).

Because HUD can make changes in rules or regulations and family circumstances may have changed during the review process that affect an applicant's eligibility, it is necessary to make final eligibility determination.

The household is not actually eligible for a unit offer until this final determination has been made, even though they may have been listed on the waiting list.

¹ 24 CFR § 960.206

Chapter 4

TENANT SELECTION AND ASSIGNMENT PLAN

(Includes Preferences and Managing the Waiting List)

[24 CFR 960.204]

INTRODUCTION

It is GHA's policy that each applicant shall be assigned an appropriate place on a jurisdiction-wide Waiting List. Applicants will be listed in sequence based upon size and type of unit required, Preference(s), date and time the application is received. In filling actual or expected vacancies, GHA will offer the dwelling unit to an applicant in the appropriate sequence, with the goal of filling units timely, and accomplishing deconcentration of poverty and income-mixing objectives. GHA will offer the unit in the proper applicant sequence until it is accepted. This chapter describes GHA's policies with regard to the number of unit offers that will be made to applicants selected from the Waiting List.

GHA's Objectives

GHA policies will be followed consistently and will affirmatively further HUD's fair housing goals.

GHA will place families on the waiting list in the proper order so that the offer of a unit is not delayed to any family unnecessarily or made to any family prematurely. This chapter explains the policies for the management of the waiting list.

When appropriate units are available, families will be selected from the waiting list in their preference-determined and date and time sequence.

By maintaining an accurate waiting list, GHA will be able to perform the activities that ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner. Based on the GHA's turnover and the availability of appropriate sized units, groups of families will be selected from the waiting list to form a final eligibility "pool."

A. MANAGEMENT OF THE WAITING LIST

GHA will administer its waiting list as required by 24 CFR Part 5, Subparts E and F, Part 960.201 through 960.208. The waiting list will be maintained in accordance with the following guidelines:

- The preliminary and full applications will be a permanent part of the file.
- Applications equal in preference will be maintained by date and time sequence.
- All applicants must meet applicable income and other eligibility requirements as

established by HUD and GHA.

- All eligible and verified applicants will be maintained in on the waiting list in order of preference and in order of date and time of application receipt.

Opening and Closing the Waiting Lists

GHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part.

The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit, and the ability of GHA to house an applicant in an appropriate unit within a reasonable period of time.

When GHA opens the waiting list, GHA will advertise through public notice in the following newspapers, minority publications and media entities. Location(s), and program(s) for which applications are being accepted in the local paper of record, "minority" newspapers, and other media, but not limited to:

- Goldsboro News-Argus

Other publications in the area that can be utilized are:

To reach persons with disabilities, GHA will provide notice to local organizations representing the interests and needs of the disabled. Local organizations serving the disabled population include, but are not limited to, the following:

- Local disability organizations

The notice at a minimum will contain:

- The dates, times, and the locations where families may apply.
- The programs for which applications will be taken.
- A brief description of the program.
- Limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the GHA address and telephone number, how to submit an application, and information on eligibility requirements.

Upon request from a person with a disability, additional time, not to exceed 30 days, will be given as an accommodation for submission of an application after the closing deadline.

When Application Intake is Suspended

GHA may suspend the acceptance of applications if there are enough applicants to fill anticipated openings for the next twelve (12) months.

Where GHA has a particular preference or other criteria that require a specific category of family, GHA may elect to continue to accept applications from these applicants while closing the wait list to others.

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

During the period when the waiting list is closed, GHA will not maintain a list of individuals who wish to be notified when the waiting list is open.

Suspension of application taking is announced in the same way as opening the waiting list.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next twelve (12) months. GHA will give at least thirty (30) days notice prior to opening or closing the list. GHA will add the new applicants to the list by:

Unit size, PHA preferences, priority and date and time of application receipt.

GHA will update the waiting list at least annually by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail. At the time of initial intake, GHA will advise families of their responsibility and requirement to notify GHA when mailing address or telephone numbers change.

Reopening the List

If the waiting list is closed and GHA decides to open the waiting list, GHA will publicly announce the opening. Any reopening of the list is done in accordance with the HUD requirements. GHA will give at least thirty (30) days notice prior to opening or closing the wait list. GHA will add the new applicants to the list by unit size, preference, priority, and date/time of application received.

Multiple Families in Same Household

When families apply that consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Family Outreach

The PHA should conduct outreach as necessary to ensure that GHA has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that the GHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires the GHA to serve a specified percentage of extremely low income families, GHA may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

GHA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations.
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program.

- Avoiding outreach efforts that prefer or exclude people who are members of a protected class.

GHA outreach efforts must be designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers.
- Developing informational materials and flyers to distribute to other agencies.
- Providing application forms to other public and private agencies that serve the low income population.
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities.

GHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in GHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

C. WAITING LIST PREFERENCES

See Chapter 3 for the GHA preference types and system of selection.

Deconcentration of Poverty and Income Mixing [24 CFR 903.1 and 903.2]

GHA's admission policy is designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of the GHA's deconcentration policies will be included in its annual plan [24 CFR 903.7(b)].

GHA's deconcentration policy will comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a PHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a PHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

Steps for Implementation [24 CFR 903.2(c)(1)]

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, GHA will comply with the following steps:

Step 1. GHA will determine the average income of all families residing in all the PHA's covered

developments. The PHA may use the median income, instead of average income, provided that the PHA includes a written explanation in its annual plan justifying the use of median income.

Step 2. GHA will determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, GHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

Step 3. GHA will then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low income family (30% of median income).

Step 4. If GHA has covered developments having average incomes outside the EIR GHA will then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, GHA will include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances GHA's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans or added amenities.
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments.
- Establishing a preference for admission of working families in developments below the EIR.
- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration.
- Providing other strategies permitted by statute and determined by the PHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and PHA strategic objectives.

A family has the sole discretion whether to accept an offer of a unit made under GHA's deconcentration policy. GHA will not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under GHA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, GHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

Skipping a family on the Waiting List specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met and in order to comply with deconcentration requirements.

Admission policies related to the deconcentration efforts do not impose specific quotas since Broad Range of Income imposes specific quotas aimed at maintaining a mix of incomes within each development in order to achieve budgetary viability.

Organization of the Waiting List

The PHA's public housing waiting list shall be organized in such a manner to allow the PHA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

GHA Policy

The waiting list will contain the following information for each applicant listed:

- Date and time of application
- Applicant Name
- Household Type
- Income Level
- Unit size the household qualifies for
- Applicable preference, if any
- Need for an accessible unit or accessible features

GHA will maintain one single community-wide waiting list for its developments. Within the list, GHA will designate subparts to easily identify who should be offered the next available unit (i.e. mixed populations, general occupancy, unit size, and accessible units). GHA will not adopt site-based waiting lists.

Reporting Changes in Family Circumstances

While the family is on the waiting list, the family must inform GHA of changes in family size or composition, preference status or contact information, including current residence, mailing address and phone number. The changes must be submitted in writing to the Admissions department. Update forms are available at GHA's Occupancy department. Completed update forms may be mailed, faxed or submitted in person to GHA's Occupancy department. To avoid unauthorized changes, a photo ID must be presented in person or via fax, to confirm the applicant's identity before any requested changes to the application are made by the Occupancy department. Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

D. DENIAL OF PREFERENCE

If GHA denies a preference, GHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review. The applicant will have ten (10) working days to request the meeting in writing. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the Waiting List without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If an applicant falsifies documents or makes false statements in order to qualify for a preference, they will be denied housing and withdrawn from the Waiting List with written notification to the family.

E. INCOME TARGETING

GHA will monitor its admissions to ensure that at least 40 percent of families admitted to public housing in each fiscal year shall have annual incomes at or below 30% of area median income of GHA's jurisdiction.

Hereafter families whose incomes do not exceed 30% of area median income will be referred to as "extremely low income families."

GHA shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRA by admitting less than 40 percent of "extremely low income families" to public housing in a fiscal year, to the extent that GHA has provided more than 75% percent of newly available vouchers to "extremely low income families." This fungibility provision discretion by GHA is also reflected in GHA's Administrative Plan.

If admissions to GHA's HCV Program during the fiscal year exceeds the 75% minimum targeting requirement for the HCV Program, GHA's public housing program may reduce the minimum targeting requirement for this program. The fiscal year credit shall not exceed:

- Ten percent of the public housing waiting list admissions during the GHA's fiscal year;
- Ten percent of the waiting list admissions to the GHA's tenant-based assistance program during the fiscal year;
- The number of qualifying low income families who commence occupancy during the fiscal year of GHA's units that (a) are located in housing developments located in census tracts having a poverty rate of 30% or more, and (b) are made available for occupancy by and actually occupied in that year by very low income families.

Very Low-Income Family Admissions

As long as GHA has met the 40% targeted income requirement for new admissions of extremely low-income families, GHA will fill the remainder of its new admission units with families whose incomes do not exceed 80% of the HUD approved area median income.

F. MIXED POPULATION UNITS

A mixed population development is a public housing development, or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character). In accordance with local preferences, elderly families whose head spouse or sole member is at least 62 years of age, and disabled families whose head, co-head or spouse or sole member is a person with disabilities, will receive equal preference to such units.

No limit will be established on the number of elderly or disabled families that may occupy a mixed population property.

G. GENERAL OCCUPANCY UNITS

General occupancy units are designed to house all populations of eligible families. In accordance with GHA's occupancy standards, eligible families not needing units designed with special features or units designed for special populations will be admitted to GHA's general occupancy units.

All families with children, elderly families and disabled families, will have an admission preference over "Other Singles."

I. PROMOTION OF INTEGRATION

Beyond the basic requirement of nondiscrimination, GHA shall affirmatively further fair housing to reduce racial and national origin concentrations. GHA shall not require any specific income or racial quotas for any development or developments.

GHA shall not assign persons to a particular section of a community or to a development or building based on protected classes described in Chapter 1 for purposes of segregating populations.

J. OFFER OF PLACEMENT ON THE SECTION 8 WAITING LIST (Not Applicable)

Not applicable

K. OFFER OF ACCESSIBLE UNITS

PHAs must adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities, and take reasonable nondiscriminatory steps to maximize the utilization of such units by eligible individuals whose disability requires the accessibility features of a particular unit.

When an accessible unit becomes vacant, before offering such units to a non-disabled applicant the PHA must offer such units:

- First, to a current resident of another unit of the same development, or other public

housing development under the PHA's control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupant exists, then

- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, the PHA may require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.

GHA Policy

GHA will make every reasonable effort to first assign an available accessible unit to the next current resident family on the transfer wait list in the same development that has requested an accessible unit.

Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, GHA will offer the unit to a non-disabled eligible applicant.

When offering an accessible unit to a non-disabled applicant, GHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

L. REMOVAL FROM WAITING LIST AND PURGING

The waiting list will be purged at least once a year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond to the request for confirmation and continued interest, s/he will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply with the prescribed period and verification of such is received by GHA.

Notices will be made available in accessible format upon the request of a person with a disability. An extension to reply to the purge notification will be considered as an accommodation if requested by a person with a disability.

M. CHANGES PRIOR TO UNIT OFFER

Reporting Changes in Family Circumstances

While the family is on the waiting list, the family must inform GHA of changes in family size or composition, preference status or contact information, including current residence, mailing address and phone number. The changes must be submitted in writing to the Admissions department. Update forms are available at GHA's Occupancy department. Completed update forms may be mailed, faxed or submitted in person to GHA's Occupancy department. To avoid unauthorized changes, a photo ID must be presented in person or via fax, to confirm the applicant's identity before any requested changes to the application are made by the Occupancy department. Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

Changes that occur during the period between certification of eligibility and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment and **must be re-verified prior to making the offer**. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal review when applicable (See Chapter on Complaints, Grievances, and Appeals)

Applicants With a Change in Family Size or Status

Changes in family composition, status, or income between the time of the interview and the offer of a unit will be processed. GHA shall not lease a unit to a family whose occupancy will overcrowd or underutilize the unit.

The family will take the appropriate place on the waiting list according to the date they first applied.

N. PLAN FOR UNIT OFFERS

The GHA plan for selection of applicants and assignment of dwelling units is to assure equal opportunity and non-discrimination.

Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by GHA.

When selecting applicants from the waiting list, GHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. GHA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the

waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and GHA policy.

Under this policy, offers shall be made to the unit of the appropriate bedroom configuration and type that has been vacant the longest. The applicant family will not have a choice of which GHA public housing development to which they will be assigned. Unit offers will be made to families who are certified eligible and who have attended the orientation meeting. Unit offers will be made in order of date and time of application and preference.

GHA will assign available units to families according to the following procedures:

GHA will make every reasonable effort to assign available units, which are specifically designed for persons with disabilities to the next family on the waiting list who requires such a unit.

In order to ensure equal distribution of all applicants to the developments, achieve integration in a uniform, non-discriminatory manner and to ensure that the deconcentration policy is complied with, all housing offers will be made from the active conventional public housing waiting list according to the following:

1. Vacant units, which have been reported as being vacant and released to the Admissions department for occupancy, shall be offered first.
2. Of the remaining units, offers shall be made to the unit of the appropriate bedroom size, which has been vacant the longest.
3. Lastly, units that are expected to be vacant within the next fifteen days will be offered in order by expected move-out date and appropriate bedroom size.
4. Available units will be offered to the next eligible applicant on the waiting list who qualifies for such a unit.
5. Should a unit become vacant in an extremely low to very low income development, such unit will be offered to the first eligible family on the waiting list with a verified annual income above 30% and up to 80% of the area median income regardless of the applicant's place on the wait list. Such family is therefore offered an incentive to occupy the unit in the low income area. The incentive is the offer of housing before the other families on the wait list, including families with a local preference, who do not have the target income and have an earlier date and time of application. Such incentives will only be granted to the extent that the limit of new tenants with incomes over thirty percent of the median income has not been exceeded.
6. Should the family be pulled from the waiting list strictly to fill a unit at a very low income area, and the applicant's verified income is not at more than 30% to 80% of the median income (target income level), the applicant will be notified of the ineligibility for an incentive and placed back on the waiting list according to their original application date, time and preference, if any.

It shall be within the sole discretion of the family being offered an incentive to determine whether to accept or refuse the incentive. If the family refuses the incentive offer, GHA will not take adverse action against the family. If the family refuses the incentive, the family will be placed back on the waiting list according to their original application date and time and local preference, if any. Additionally, the family will not be offered an incentive from the waiting list again; the family will therefore have to wait until their name reaches the top of the waiting list before they are offered a unit again. Accordingly, for purposes of this provision, it shall not be considered an adverse action if a family on the waiting list that has refused an incentive is skipped in order to reach another family to implement this policy.

Notification

When the family is selected from the waiting list, GHA will notify the family by first class mail at least 10 business days in advance of the scheduled interview.

The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview.
- Who is required to attend the interview.
- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation.
- Documents that must be provided at the interview to document eligibility for a preference, if applicable.
- Other documents and information that should be brought to the interview.

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to GHA.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity. If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of social security numbers, GHA will allow the family to retain its place on the waiting list for 90 days. If not all household members have disclosed their SSNs at the next time a unit becomes available, GHA will offer a unit to the next eligible

applicant family on the waiting list.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference. If the family is verified as eligible for the preference, GHA will proceed with the interview. If GHA determines the family is not eligible for the preference, the interview will not proceed and the family will be placed back on the waiting list according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures and submit required documentation. If any materials are missing, GHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 7 calendar days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial.

An advocate, interpreter or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, GHA will provide translation services in accordance with GHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact GHA in advance of the interview to schedule a new appointment. In all circumstances, if a family fails to attend a scheduled interview, without prior GHA approval, their application will be made inactive based on the family's failure to supply information needed to determine eligibility. The notice of rejection will state that failure to request a rescheduled appointment within 10 calendar days of the missed appointment date will be interpreted to mean that the family is no longer interested and their application will remain inactive. Due to the high volume of applicants on the waiting list, applicant families will only be allowed a maximum of three rescheduled appointments, unless GHA receives documentation verifying that illness, disability, family death or hospitalization did not allow for attendance.

Time Limit for Unit Offer Acceptance of Refusal

Upon offering a unit as stipulated within this policy, the Occupancy staff will send the applicant's file to the designated property. The applicant must contact the receiving Public Housing Manager within 3 calendar days of receiving the housing offer for the purpose of coordinating a time to view the unit. The prospective tenant must accept or reject the unit offer in writing. The acceptance or rejection must be received by GHA no later than 5:00 pm on the 2nd business day after viewing the offered unit.

Applicants who accept a unit must obligate themselves to the unit within 3 business days by

meeting GHA's deposit requirements and signing the dwelling lease agreement, reflecting a move-in date no later than 2 business days from the date of signing the acceptance form.

Except as required for reasonable accommodation for a verified disability or medical emergency, GHA shall not reschedule the lease meeting beyond the 3 business day period.

The GHA will make three (3) unit offers to applicants. If additional time is needed an extension must be approved by the CEO or Designee.

Applicant Status After Final Offer

When an applicant rejects the final unit offer GHA will:

- After the applicant rejects the third offer without "good cause" they will be removed from the waiting list.
- If the applicant has good cause they will be moved to the bottom of the waiting list.

Families may reject units for "good cause". "Good Cause" reasons include, proximity to work, school and child care; or health related issues.

Applicants Unable to Take Occupancy

If an applicant is willing to accept the unit offered, but is unable to take occupancy at the time of the offer for "good cause," the applicant will not be removed from the waiting list.

Examples of "good cause" reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

- An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)]
- Inaccessibility to source of employment or children's day care such that an adult household member must quit a job, drop out of an educational institution or a job training program;
- The family demonstrates to GHA's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause.
- A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.
- The unit is inappropriate for the applicant's disabilities.

N. REFUSAL OF OFFER – Good Cause

If the unit offered is inappropriate for the applicant's disabilities, the family will retain their position on the waiting list.

O. REFUSAL OF OFFER – Without Good Cause

Unit Refusal without Good Cause

The unit will be deemed rejected by the applicant if:

- The applicant indicates his/her rejection in writing;
- GHA does not receive written acceptance of the offered unit within the timeframe specified above; or
- The applicant fails to complete the leasing of the unit within the timeframe required by GHA policy.

When an applicant rejects the unit offer without good cause, GHA will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so.

An applicant who is removed from the waiting list for rejecting an offered unit may not reapply for admission into public housing for at least 12 months from the date of the unit offer, and only if the appropriate waiting list is open.

Chapter 5

OCCUPANCY GUIDELINES

INTRODUCTION

The Occupancy Guidelines are established by GHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. This Chapter explains the Occupancy Guidelines that GHA will use to determine the unit size for which a family qualifies and includes the minimum and maximum number of household members for each unit. The chapter also identifies circumstances under which an exception to the occupancy standards may be approved.

In selecting a family to occupy a particular unit, the PHA may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].

HUD does not specify the number of persons who may live in public housing units of various sizes. PHAs are permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p. 62].

The following standards shall determine the number of bedrooms required to accommodate each family without overcrowding or over-housing. These standards may be waived only when necessary to achieve or maintain full occupancy and after every effort has been made to stimulate applications from families appropriate to the existing vacancies, or in case of reasonable accommodations for a person with disabilities or emergencies, and at the discretion of the CEO or CEO's designee. Eligible families of the most nearly appropriate size then shall be assigned to the vacancies with the written understanding that such families will be transferred to units of the appropriate size, if the unit is needed.

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

- Foster children if they will be in the unit for at least six consecutive months.
- Children expected to be born to pregnant women
- Children whose custody is being obtained by an adult member of the applicant family
- Children who are in the process of being adopted by the applicant
- Children who are temporarily absent from the family because of placement in foster care
- A live-in attendant may be assigned a separate bedroom. No additional bedrooms will be

provided to the live in aide's family.

- A separate bedroom may be assigned to a handicapped or disabled family member.

Child Custody

If an applicant claiming a child as a family member does not have full custody of the child, or if the child lives only part of the time with the applicant, the GHA must make a determination whether to count the child as part of the applicant's family. The GHA may consider custody and the amount of time the child spends with the applicant in making this decision.

A household in which the parent shares joint custody of a dependent child shall include the child on the lease and will be counted for purposes of establishing occupancy standards for unit size if:

- The head of household is legally entitled to physical possession of the child more than 50% or more of the time; and
- The child actually physically resides in the unit with the head of household more than 50% or more of the time; and
- If the child is school age, the head of household is listed as the legal guardian on the child's school enrollment documentation, and the address of record is the head of household's address.

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

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

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

A. DETERMINING UNIT SIZE

GHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. GHA's Occupancy Guideline standards for determining unit size shall be applied in a manner consistent with Fair Housing requirements.

For occupancy standards, an adult is a person 18 years or older, or an emancipated minor.

All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be assigned using the following guidelines:

- Adults of different generations, persons of the opposite sex (other than spouses), and

unrelated adults will not be required to share a bedroom.

- Separate bedrooms should be allocated for persons of the opposite sex over the age of 3 (other than adults who have a spousal relationship and children under 3).
- Foster children will be included in determining unit size only if they will be in the unit for more than 6 months.
- Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family. Over-crowding will not be allowed for accommodation.
- Space will be provided for a family member who will be absent most of the time, such as a member who is away in the military/school.
- The living room will not be used as a bedroom except at the determination of the family and so long as it does not constitute an overcrowded unit.

GUIDELINES FOR DETERMINING BEDROOM SIZE

Bedroom(s) Size	Persons in Household: (Minimum #)	Persons in Household: (Maximum #)
0 Bedroom	1	2
1 Bedroom	1	3
2 Bedrooms	2	5
3 Bedrooms	3	7
4 Bedrooms	4	8
5 Bedrooms	5	10

B. EXCEPTIONS TO OCCUPANCY STANDARDS

GHA will consider granting exceptions to the occupancy standards in cases where it is the family's request or the GHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a vacant unit available. If an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following guidelines will apply:

In all cases, where the family requests an exception to the general occupancy standards, GHA will evaluate the relationship and ages of all family members and the overall size of the unit.

The family may request to be placed on a larger bedroom size waiting list than indicated by the GHA's occupancy guidelines. The request must explain the need or justification for a larger bedroom size, and must be verified by GHA before the family is placed on the larger bedroom size list. In no case will GHA grant an exception that is in violation of local housing or occupancy codes, regulations or laws. GHA will consider these requests:

Person with Disability

GHA may grant an exception to allocate a separate bedroom to a family member, upon request if a larger bedroom size is needed for medical equipment or as a reasonable accommodation for persons with disabilities. Written verification of disability and need for the medical equipment may be required by GHA prior to allocation of the separate room.

Other Circumstances

1. The GHA will grant exceptions from the guidelines in cases where it is the family's request or the GHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a vacant unit available in the appropriate size. If an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following guidelines will apply:
 - Applicants may request, in writing, to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, (as long as the unit is not overcrowded according to UPCS or local codes). Management is not obligated to transfer the family to a larger unit until an appropriate sized unit becomes available.
 - For a three-person family that includes two adults and an infant, the GHA may allow the family to lease a one-bedroom unit in a desired general occupancy development.
 - However, the GHA will not lease a one-bedroom unit to a three-person family that includes two adults and a member above the age of 3.
2. In cases such as those above, a family that voluntarily accepts a unit that is smaller than what the family is eligible for will be required to sign a statement stating that unless there is an increase in family size the family agrees that they are not eligible for transfer to a larger unit for at least 2 years.
3. The GHA may offer a family a unit that is larger than required by the GHA's occupancy standards, if there is no waiting list for families large enough to fill the vacancy, or the GHA determines that the common area for the project is insufficient for accommodating any additional large families.
4. In all cases, where the family requests an exception to the general occupancy standards, the GHA will evaluate the relationship and ages of all family members and the overall size of the unit.
5. The family may request to be placed on a larger bedroom size waiting list than indicated by

the GHA's occupancy guidelines. The written request must explain the need or justification for a larger bedroom size, and must be verified by the GHA before the family is placed on the larger bedroom size list. The GHA will consider these requests:

- **Person with Disability**
 - The GHA will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is appropriately verified and meets requirements in the "Service and Accommodations Policy" section of Chapter 1.
 - **Other Circumstances**
 - Circumstances may dictate a larger size than the occupancy standards permit when:
 - Persons cannot share a bedroom because of a need for medical equipment due to its size and/or function. Requests for a larger bedroom due to medical equipment must be verified by a doctor.
 - Requests based on health related reasons must be verified by a medical professional.
 - At least on an annual basis GHA will verify that the space is being used for the intended purpose and the live-in aide remains qualified to perform the function.
6. The GHA will not assign a larger bedroom size due to additions of family members other than by live-in aide, birth, adoption, marriage, or court-awarded custody.
7. All individuals occupying the unit and members of the family residing in the unit must be approved by the GHA. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the GHA within **ten (10) working days**.
- To avoid vacancies, the GHA may provide a family with a larger unit than the occupancy standards permit. The family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is a suitable smaller unit available. This requirement is a provision of the lease.

Live-in Aides

One reason GHA allows an additional bedroom is related to live-in aides. Although a health care provider must document the need for a live-in aide (which would result in the issuance of an additional bedroom size, the live-in aide must be identified by the family and approved by the GHA first.

The definition of a live-in aide is recorded in HUD policy which states that a live-in aide is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities and who is: (1) determined to be essential to the care and well-being of the persons;

(2) is not obligated for the support of the persons; (3) would not be living in the unit except to provide the necessary supportive services. It should be noted that the definition applies to a specific person. In accordance with this definition, a live-in aide is not a member of the assisted family and is not entitled to the unit as the remaining member of the tenant family;

The GHA will screen the live-in aide using the Public Housing eligibility criteria. Additionally, the GHA must establish standards to determine the number of bedrooms needed for families of different sizes and compositions. Consequently, GHA's may not approve an unidentified live-in aide, nor a larger unit than the family qualifies for under the GHA's standards for an unidentified live-in aide.

Occasional, intermittent, multiple or rotating care givers typically do not reside in the unit and would not qualify as live-in aides. Therefore, an additional bedroom should not be approved for a live-in aide under these circumstances.

Other Reasonable Accommodation Issues

A family may always request a reasonable accommodation to permit program participation by individuals with disabilities. A family's composition or circumstances may warrant the provision of an additional bedroom to permit disability-related overnight care and allow the family equal use and enjoyment of the unit.

The GHA must consider requests for an exception to the established subsidy standards on a case-by-case basis and provide an exception, where necessary, as a reasonable accommodation. The GHA shall document the justification for all granted exceptions.

Medical Equipment

Although GHA may approve an additional bedroom for medical equipment if the need is documented by a health care provider, the actual equipment in the extra bedroom should be verified by the GHA during the annual inspection of the unit. If the extra bedroom is not being used for the intended purpose, the GHA must reduce the bedroom standard. However, the GHA may take further action, if it believes any lease or family obligations were violated.

C. ACCESSIBLE UNITS

(See Service and Accommodation Policy in Chapter 1)

D. FAMILY MOVES

When a change in the circumstances of a tenant family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested, the family will be placed on the Transfer List.

The unit considerations in this section should be used as a guide to determine whether and when the bedroom size should be changed. If an unusual situation occurs, which is not currently covered in this policy, the case should be reviewed by the supervisor who will make

determination after review of the situation, the individual circumstances, and the verification provided.

In general, transfers will be considered first, before referral of applicants from the Waiting List. However, due consideration shall be given to the number of vacant units prior to any transfer. If for any reason, the number of vacancies is significant to the extent that transfers would place GHA in a position of operational instability, restrictions such as a three to one (3:1) ratio of new move-ins from the Wait List to the number of transfers from within will be imposed in order to maintain the financial stability of the program and operations. The 3:1 ratio shall be maintained at either a site level or at a programmatic level, depending on the distribution of the vacancies and whether such vacancies are confined to a greater degree programmatically or within a specific site. The nature of transfers will also be considered even under these restrictions, as it is recognized that certain life-endangering conditions as may be cause for transfer cannot be restricted by operational objectives.

If it is found that the unit size is no longer appropriate to the family's needs, the GHA shall send the family written notice to transfer to the correct size unit in accordance with the Occupancy Standards. In the case of an involuntary transfer, the resident shall be given 3 days in which to move upon receipt of the transfer notice. If the tenant refuses to transfer the GHA may choose to terminate the lease.

If the resident is to transfer to a new development, the GHA will permit the family to postpone the transfer to the end of the school year, if the family has a child in school and is requested by the family. The initial unit assigned will not be held for the resident. A new assignment will be given when the school year ends.

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

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

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

Before a family can transfer a pre-move out inspection will be conducted on the current unit. If the inspection reveals excessive damage to the unit, beyond normal wear and tear or a housekeeping problem is present, the resident will be denied the transfer.

Resident will be given 48 hours notice before the inspection.

See chapter on Reexaminations and Transfers for more information.

Chapter 6

DETERMINATION OF TOTAL TENANT PAYMENT [24 CFR 5.609, 5.611, 5.613, 5.615; 24 CFR 960, Subpart C]

INTRODUCTION

The accurate calculation of Annual Income and Adjusted Income will ensure that families pay the correct rent under their obligations in the Lease and the regulations.

This Chapter defines the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F and further instructions set forth in HUD Notices, Memoranda and Addenda. However, the Quality Housing and Work Responsibility Act (QHWRA) now gives PHA's broader flexibility. GHA's policies in this Chapter address those areas that allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

A. MINIMUM RENT

The minimum rent for GHA is \$50. The minimum rent refers to a minimum total tenant payment and not a minimum tenant rent.

The Total Tenant Payment is the greater of:

- 30% of the family's adjusted monthly income
- 10% of the family's monthly gross income
- The minimum rent as established by GHA

GHA recognizes that in some instances even the minimum rent may create a financial hardship for families. GHA will review all relevant circumstances brought to the GHA's attention regarding financial hardship as it applies to minimum rent. The following section states the GHA's procedures and policies in regard to minimum rent financial hardship as set forth by the QHWRA.

GHA Procedures for Notification to Families of Hardship Exceptions

GHA will notify all participant families subject to a minimum rent of their right to request a financial hardship exception under the law.

GHA notification will advise the family that hardship exception determinations are subject to GHA grievance procedures.

GHA will review all tenant requests for exception from the minimum rent due to financial hardships.

All requests for a hardship exception are required to be in writing.

Requests for a hardship exception must state the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent

Exceptions to Minimum Rent

GHA will grant the minimum rent exception to all families who request it beginning the first of the month following the family's request.

The Minimum Rent will be suspended until GHA determines whether the hardship is covered by statute and whether it is temporary or long-term.

If GHA determines that the financial hardship exemption is not covered by statute, GHA will impose the minimum rent from the time of suspension.

GHA will use its standard verification procedures to verify circumstances that have resulted in financial hardship, such as loss of employment, death in the family, etc.

HUD Criteria for Hardship Exception

In order for a family to qualify for a hardship exception the family's circumstances must fall into one of the following criteria:

- The family has lost eligibility or is awaiting an eligibility determination for Federal, State, or local assistance. This includes a family member who is a noncitizen 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 Act of 1996;
- The family would be evicted as a result of the imposition of the minimum rent requirement;
- The income of the family has decreased because of changed circumstances, including the loss of employment
- A death has occurred in the family
- Other circumstances as determined by GHA or HUD

Temporary Hardship

If GHA determines that the hardship is temporary, the minimum rent will be imposed from the beginning of the first of the month following the date of the family's request for a hardship exemption. The family will not be evicted for nonpayment of rent during the 90-day period commencing on the date of the family's request for an exemption.

GHA defines temporary as less than 90 days.

Repayment Agreements for Temporary Hardship

GHA will offer a repayment agreement to the family for any rent not paid during the temporary hardship period or if GHA determines there is no financial hardship

If the family owes GHA money for rent arrears incurred during the temporary hardship period, GHA will calculate the total amount owed and divide it by 3 to arrive at a reasonable payment increment that will be added to the family's regular monthly rent payment. The family will be

required to pay the increased amount until the arrears are paid in full.

Minimum rent arrears that are less than \$50 will be required to be paid in full the first month following the end of the temporary hardship period.

If the family goes into default on the repayment agreement for back rent incurred during a temporary hardship period, GHA will reevaluate the family's ability to pay the increased rent amount and:

- Determine whether the family has the means to meet the obligation and, if so determined, initiate eviction proceedings for nonpayment of rent; or
- Determine that the repayment agreement is a financial hardship to the family and if so, restructure the existing repayment agreement.

GHA's policies regarding repayment agreements are further discussed in the chapter entitled "Family Debts to the PHA."

B. INCOME AND ALLOWANCES

Income: Includes all monetary and non-monetary income or benefit amounts that go to or are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines those sources to be included and those to be excluded. In accordance with this definition, all income that is not specifically excluded in the regulations is counted.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual Income is used to determine whether or not applicants are within the applicable income limits. Annual income also means amounts derived from assets to which any member of the family has access.

Adjusted Income is defined as the Annual Income with any of the mandatory deductions for which a family qualifies.

Mandatory Deductions

HUD has six mandatory deductions from Annual Income:

1. \$480 for each dependent;
2. \$400 for any elderly family or disabled family;
3. For any family that is a disabled family, or has a member (other than the head or spouse) who is a person with a disability. A disability assistance expenses for unreimbursed amounts paid for attendant care, or auxiliary apparatus expenses for family members with disabilities, including the disabled member, where such expenses are necessary to permit an adult family member to be employed. The allowable expenses must be in excess of 3% of annual income. This allowance may not exceed the employment income received by the family members that is able to go to work, who is at least 18 years of age.
4. For any elderly or disabled family:

- That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
 - That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
 - That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income.
5. Childcare expenses. Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare for furthering education or seeking employment. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(b)).
6. The GHA does not provide for any optional deductions in the public housing program.

C. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS

The annual income for qualified families may not be increased as a result of increases in earned income of a family member beginning on the date on which the increase in earned income begins and continuing for a cumulative 12-month period. For calculation purposes, the disallowance shall begin the first of the month after the employment begins. After the family receives 12 cumulative months of the full exclusion, annual income will include a phase-in of half the allowable earned income exclusion from annual income.

A family qualified for the earned income disallowance is a family that is receiving assistance under the public housing program (The disallowance is not available to adults who do not have eligible immigration status); and

- Whose annual income increases as a result of employment of an adult family member and who was previously unemployed for one or more years prior to employment;
- Whose annual income increases as a result of increased earnings by an adult family member during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of an adult family member during or within six months after receiving assistance, benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act provided that the total amount over a six-month period is at least \$500. The qualifying

TANF assistance may consist of any amount of monthly income maintenance, and/or at least \$500 in such TANF benefits and services as one-time payments, wage subsidies and transportation assistance.

The HUD definition of "previously unemployed" includes a person who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality if it is higher than the federal minimum wage.

The HUD definition of economic self-sufficiency program is any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Qualifying increases are any earned income increases of a family member during participation in an economic self-sufficiency or job training program and may include increases that occur after participation provided the training provides assistance, placement, training or mentoring after the training that leads to employment.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member. The incremental increase in income is calculated by comparing the amount of the family member's income before the beginning of qualifying employment (baseline) to the amount of such income after the employment.

Initial Twelve-Month Exclusion

During the cumulative 12-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, the GHA will exclude from annual income of a qualified family member any increase in income of the family member as a result of employment over the prior income of that family member (baseline).

Second Twelve-Month Exclusion and Phase-in

During the second cumulative 12-month period after the expiration of the initial cumulative 12-month period referred to above, the GHA must exclude from Annual Income of a qualified family member, 50 percent of any increase in income of a family member as a result of employment.

Maximum Four-Year Disallowance

The earned income disallowance is limited to a lifetime 48-month period for each family member. For each family member, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 48-month period starting from the date of the initial exclusion.

The 12 months are cumulative and need not be consecutive. The disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the

second 12-month phase-in exclusion).

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.

Applicability to Child Care Expense Deductions

The amount deducted for childcare necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for families entitled to the earned income disallowance, the amounts of the earned income that is included in the Annual Income after the application of the earned income disallowance will be used in determining the cap for childcare deduction in the case of the deduction that is allowed due to employment.

Applicability to Disability Expense Deductions

The amount deducted for disability expense deduction that is necessary to permit employment shall not exceed the amount of employment income that is included in Annual Income. Therefore, for families entitled to the earned income disallowance, the amounts of the earned income that is included in the Annual Income after the application of the earned income disallowance will be used in determining the cap for the disability expense deduction.

Applicability to Families that Receive both Child Care Expense and Disability Deductions

The amount deducted for both childcare and disability expense deductions necessary to permit employment shall not exceed the amount of employment income that is included in Annual Income. Therefore, for families entitled to the earned income disallowance, the amounts of the earned income that is included in the Annual Income after the application of the earned income disallowance will be used in determining the cap for childcare deduction and disability expenses combined in the case of the deduction that is allowed due to employment.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

***Such documentation will include:**

- **Date the increase in earned income was reported by the family**
- **Name of the family member whose earned income increased**
- **Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income**
- **Amount of the increase in earned income (amount to be excluded)**
- **Date the increase in income is first excluded from annual income**
- **Date(s) earned income ended and resumed during the initial cumulative 12-month * period of exclusion (if any)**
- **Date the family member has received a total of 12 months of the initial exclusion**

- **Date the 12-month phase-in period began**
- **Date(s) earned income ended and resumed during the second cumulative 12-month period (phase-in) of exclusion (if any)**
- **Date the family member has received a total of 12 months of the phase-in exclusion**
- **Ending date of the maximum 48-month (four year) disallowance period (48 months from the date of the initial earned income disallowance)**

The GHA will maintain a tracking system to ensure correct application of the earned income disallowance.

It is a GHA policy decision to conduct an interim reexamination for income increases for the purpose of calculating the earned income disallowance.

Inapplicability to Admission

The earned income disallowance is only applied to determine the Annual Income of families who are participants in the public housing program, and therefore does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

D. INDIVIDUAL SAVINGS ACCOUNTS

GHA chooses not to establish a system of individual savings accounts for families who qualify for the disallowance of earned income.

E. TRAINING PROGRAMS FUNDED BY HUD

All training income from a HUD sponsored or HUD funded training program, whether incremental or not, is excluded from the resident's Annual Income while the resident is in training. Income from a Resident Services training program, which is funded by HUD, is excluded.

Upon employment with GHA, the full amount of employment income received by the person is counted, but subject to the earned income disallowance provisions.

F. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, GHA will annualize current income and conduct an interim reexamination if income changes.

If there are bonuses or overtime that the employer cannot anticipate for the next twelve months, then the GHA will anticipate the income will include the bonuses and overtime received the previous year.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month.

The method used depends on the regularity, source, type of income and verification.

G. ZERO INCOME

Families who report zero income will have the income be re-verified through EIV every 90 days for income changes and are further required to complete a written no/low income certification every 180 days and undergo an interim recertification every 180 days. If any increases in income are indicated in any of the above information or other verification at any time, then the family will be reviewed for an interim and the rent will be adjusted accordingly.

Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

GHA may request additional credit checks for all adult members of families that report zero income.

Where credit reports show credit accounts open and payments current, GHA will take action to investigate the possibility of unreported or underreported income, fraud or program abuse.

H. INCOME OF PERSON /TEMPORARILY CONFINED TO NURSING HOME

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, GHA will calculate the Total Tenant Payment by:

Excluding the income of the person permanently confined to the nursing home. The household is not eligible for medical expenses of the confined family member.

If the family member is temporarily confined in a hospital or nursing home, GHA will calculate the TTP by:

Including the income of the person temporarily confined to the nursing home and giving the family the medical deductions allowable on behalf of the person in the nursing home, if they are an elderly or disabled family.

I. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609(b)(7)]

Regular monetary and nonmonetary contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

J. ALIMONY AND CHILD SUPPORT [24 CFR 5.609(b)(7)]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, GHA will use the amount that is determined to be received by the family*.

GHA will accept as verification that the family is receiving an amount less than the award if:

GHA receives verification from the agency responsible for enforcement or collection.

The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply documentation and a copy of the divorce decree. Families who do not have court-awarded alimony and child support awards are not required to

seek a court award and are not required to take independent legal action to obtain collection.

*GHA will use the following guidelines for calculating amounts when less than award amount:

- If the amounts received are consistent within the past 3-6 months, then the amounts will be used to calculate the next 12 months (ie: started 3 months ago at \$250 per month equals \$250 times 12 months).
- If the amounts are sporadic during the past 12 months, then the total amount received during the past 12 months will be used.
- If the amount(s) received have completely stopped, the family must furnish the information outlined above along with a statement that the support is not being received and that they understand they must report the change if it starts again.

K. LUMP-SUM RECEIPTS [24 CFR 5.609(b)(4)]

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, are generally considered assets not income. However, such lump-sum receipts are counted as assets only if they are retained by a family member in a form recognizable as an asset.

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income. However, lump sum payments for the delayed start of periodic Social Security, or Supplemental Security Income (SSI) are excluded from income, but any amount remaining that is invested will be considered an asset. Deferred periodic payments that have accumulated due to a dispute will be treated the same as periodic payments, which are deferred due to delays in processing. Any deferred disability benefits that are received in a lump sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income [FR Notice 11/24/08].

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt:

GHA uses a calculation method that calculates retroactively or prospectively depending on the circumstances.

GHA will calculate prospectively if the family reported the payment within 10 days and retroactively to date of receipt if the receipt was not reported within that time frame.

Prospective Calculation Methodology

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

The entire lump-sum payment will be added to the annual income at the time of the interim.

GHA will determine the percent of the year remaining until the next annual recertification as of the date of the interim (three months would be 25% of the year).

At the next annual recertification, GHA will apply the percentage balance (75% in this example) to the lump sum and add it to the rest of the annual income.

The lump sum will be added in the same way for any interims that occur prior to the next annual recertification.

Retroactive Calculation Methodology

GHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

GHA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due GHA.

At GHA's option, GHA may enter into a Repayment Agreement with the family.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

L. CONTRIBUTIONS TO RETIREMENT FUNDS – ASSETS

Contributions to company retirement/pension funds are handled as follows:

While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.

After retirement or termination of employment, count any amount the employee elects to receive as a periodic payment or a lump sum less the amount the employee contributed to the retirement. The balance in the account is counted as an asset only if it remains accessible to the family member.

M. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

GHA must count assets disposed of for less than fair market value during the two years preceding the effective date of the reexamination. GHA will count the difference between the market value and the actual payment received for less than market value in calculating total assets.

When the two year period expires, the income assigned to the disposed asset (s) also expires. If the two-year period ends between annual recertifications, the family may request an interim recertification to eliminate the asset(s).

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

GHA's minimum threshold for counting assets disposed of for less than Fair Market value is \$5,000. If the total value of assets disposed of within the two-year period is less than \$5,000, they will not be considered an asset.

N. CHECKING AND SAVINGS ACCOUNTS

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

- In determining the value of a checking account, the GHA will use the average balance for the last three months.
- In determining the value of a savings account, the GHA will use the most current balance.

- In determining the anticipated income from an interest bearing checking or savings account, the GHA will multiply the value of the account by the current rate of interest paid on the account.

In lieu of the calculation described above, the GHA can use the actual received over the last calendar year in determining the anticipated amount of interest if it is anticipated that the average balance will remain constant (similar to the balance for the last twelve months).

O. CHILD CARE EXPENSES

Child-care expenses for children under 13 may be deducted from annual income, to determine adjusted income, if they enable an adult to work or attend school, or to actively seek employment.

In the case of a child attending private school, only after-hours care can be counted as child-care expenses.

Childcare expenses must be reasonable. Reasonable is determined by what the average child care rates that have been determined by the TANF Agency in the GHA's jurisdiction.

Allowance of deductions for child-care expenses is based on the following guidelines:

Child-care to work: The maximum child-care expense allowed cannot exceed the amount of earned income by the person enabled to work which is included in the family's annual income. **The "person enabled to work" will be the adult member of the household that is now released to perform work.**

Child-care for school: The number of hours claimed for child-care may not exceed the number of hours the family member is attending school and study time, including reasonable travel time to and from school.

For determining reasonable child-care expenses for education, training or seeking employment: The GHA will determine reasonable limits to be the amount determined by the state welfare agency. If the rate per child verified by the family exceeds the guideline, the GHA may use the state welfare agency's determination for the area to be the cap in order to calculate the allowance. Family's seeking employment shall be limited to 60 days of child-care each year, and must provide additional documentation (verification) of where the family member has sought employment.

P. MEDICAL EXPENSES [24 CFR 5.603]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, or the amount that will be allowed, the current IRS Publication 502 will be used as a guide.

Nonprescription medicines must be doctor-recommended in order to be considered a medical expense.

Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts with identification of the type of purchase.

Chiropractic services are included under IRS Publication 502 and will be considered allowable medical expenses.

Q. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

Applicant mixed families are entitled to prorated assistance. Tenant families that become mixed families by the addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance will be calculated by subtracting the Total Tenant Payment from the applicable Maximum Rent for the unit the family occupies to determine the Family Maximum Subsidy. The specific method of prorating assistance for Public Housing covered programs is as follows:

1. Step 1. Determine total tenant payment in accordance with applicable public housing regulations, 24 CFR 960. (Annual Income includes income of all family members, including any family member who has not established eligible immigration status).
2. Step 2. Subtract the total tenant payment from a HUD-supplied "public housing maximum rent" applicable to the unit or the PHA. (This "maximum rent" pre-QHWRA was the ceiling rent; which, is determined by HUD using the 95th percentile rent for the PHA. The result is the maximum subsidy for which the family could qualify if all members were eligible ("family maximum subsidy").
3. Step 3. Divide the family's maximum subsidy by the number of persons in the family, all persons, to determine the maximum subsidy per each family member who is eligible. The subsidy, per eligible family member, is the "member maximum subsidy".
4. Step 4. Multiply the "member maximum subsidy" by the number of eligible family members.
5. Step 5. The product of steps 1 through 4, as set forth is the amount of subsidy for which the family is eligible ("eligible subsidy"). The family's rent is the "public housing maximum rent" minus the amount of the eligible subsidy.
6. Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family.

Mixed families paying the flat rent shall receive a prorated rent calculation as defined by the HUD 50058. An adult member that is ineligible for assistance in a mixed family is also ineligible for an earned income disallowance.

R. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on

need that are made under programs funded separately or jointly by federal, state or local governments [24 CFR 5.603(b)].

QHWRA revised the situations in which a PHA is required to reduce rent for special cases. In order to comply with the requirement, GHA will make income revisions for changes resulting from Welfare program requirements as follows:

The GHA will not reduce the rental contribution for families whose welfare assistance is reduced specifically because of:

- fraud by a family member in connection with the welfare program; or
- failure to participate in an economic self-sufficiency program; or
- noncompliance with a work activities requirement

However, the GHA will reduce the rental contribution if the welfare assistance reduction is a result of:

- The expiration of a lifetime or other time limit on receiving benefits; or
- A situation where a family member has not complied with other welfare agency requirements; or
- A situation where a family member has complied with welfare agency economic self-sufficiency or work activities requirements but cannot or has not obtained employment, such as the family member has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits; or
- A situation of an inadvertent overpayment.

Imputed welfare income is the amount of annual income not actually received by a family as a result of a specified welfare benefit reduction that is included in the family's income for rental contribution.

Imputed welfare income is not included in annual income if the family was not an assisted resident at the time of sanction.

The amount of imputed welfare income is offset by the amount of additional income (new income) a family receives that begins after the sanction was imposed.

When additional income is equals or exceeds the imputed welfare income, the imputed welfare income is reduced to zero.

Verification Before Denying a Request to Reduce Rent

GHA must request that the welfare agency inform GHA when the benefits of a public housing resident are reduced. GHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance before denying the family's request for rent reduction.

Cooperation Agreements

GHA has an unwritten cooperation agreement in place with the local welfare agency that assists the PHA in obtaining the necessary information regarding welfare sanctions.

S. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

If the cost of utilities (excluding telephone) is not included in the Tenant Rent, a utility allowance will be deducted from the total tenant payment. The Utility allowance is intended to help defray the cost of utilities not included in the rent. GHA will use the utility allowance applicable to the type of dwelling unit leased by the family.

When the Utility Allowance exceeds the family's Total Tenant Payment, GHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant.

Resident-Paid Utilities

The following requirements apply to residents living in developments with resident-paid utilities or applicants being admitted to such developments:

If a resident or applicant is unable to get utilities connected because of a previous balance owed to the utility company, the resident/applicant will not be permitted to move into a unit with resident paid utilities. This may mean that a current resident cannot transfer to a scattered site or that an applicant cannot be admitted to a unit with resident-paid utilities.

Paying the utility bill is the resident's obligation under the lease. Failure to pay utilities is grounds for eviction.

Reasonable Accommodations in Adjusting the Utility Allowances

On request from a family, PHAs must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability [PH Occ GB, p. 172].

Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172].

T. EXCESS UTILITY PAYMENTS

Residents in units where GHA pays the utilities will be charged for excess utilities if additional appliances or equipment are used in the unit. When there is a check meter, if the tenant uses in excess of the consumption allowance, the tenant shall pay the excess. This charge shall be applied as specified in the lease. [24CFR 966.4(b)(2)] Residents that are paying flat rent and in units that are individually metered will be charged for the excess utilities used above the allowable level.

Utility Allowance Revisions [24 CFR 965.507]

The PHA must review its schedule of utility allowances each year. Between annual reviews, the PHA must revise the utility allowance schedule if there is a rate change that by itself or together

with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective [PH Occ GB, p. 171]. The tenant rent calculations must reflect any changes in the PHA's utility allowance schedule [24 CFR 960.253(c)(3)].

GHA Policy

Unless GHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first interim or annual reexamination after the allowance is adopted.

U. FAMILY CHOICE IN RENTS

Authority for Family to Select

GHA shall provide for each family residing in a public housing unit to elect annually whether the rent paid by such family shall be 1) determined based on family income or 2) the flat rent. GHA may not at any time fail to provide both such rent options for any public housing unit owned, assisted or operated by GHA. GHA will document that flat rents were offered to families under the methods used to determine flat rents for GHA.

Annual choice: GHA shall provide for families residing in public housing units to elect annually whether to pay income-based or flat rent at the time of the annual recertification. GHA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the file as part of the admission or annual reexamination process.

The PHA must provide sufficient information for families to make an informed choice. This information must include the PHA's policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year the PHA is required to provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.

Allowable Rent Structures

Flat Rents

GHA has established, for each dwelling unit in public housing, a flat rental amount for the dwelling unit, which:

- Is based on the rental value of the unit, as determined by GHA; and
- Is designed so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

GHA shall review the income of families paying flat rent not less than once every three years.

Income-Based Rents

The monthly Total Tenant Payment amount for a family shall be an amount, as verified by the PHA, that does not exceed the greatest of the following amounts:

- 30 percent of the family's monthly adjusted income;
- 10 percent of the family's monthly income; or
- GHA's Minimum TTP of \$50

Switching from Flat Rent to Income-Based Rent Due to Hardship Circumstances

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. GHA shall immediately (the first of the month following the family's request) provide for the family to pay rent in the amount determined under income-based rent, during the period for which such choice was made, upon a determination that the family is unable to the flat rent because of financial hardship, including:

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

All hardship situations will be verified.

Annual Reexamination

120 days in advance of annual reexamination, the family will be notified of their annual reexamination. During this reexamination period, the family will be given the option to choose flat rent or income-based rent. GHA will provide a form that states what the flat rent would be and what the family's income-based rent would be. The family will be required to make a choice and sign the form prior to the effective date of their reexamination. The form will be retained in the tenant's file. (See Chapter 11 for further details).

Whether the family indicates they choose income-based or a flat rent, a reexamination appointment will be scheduled according to GHA policy. The family during the reexamination will be provided information on the anticipated rent and may choose to pay flat rent prior to the new rent going into effect.

V. GHA'S FLAT RENT METHODOLOGY

GHA has set a flat rent for each public housing unit, based on an assessment of the unit and what the rent charge would be for a comparable unit in the unassisted market. The factors include

location, size, amenities, utilities, services, age, building type, etc. The GHA shall review the flat rent schedule annually and make any adjustments to the schedule in the future.

Flat rents for public housing units are based on the market rent charged for comparable units in the private unassisted rental market. In other words, flat rent is the unsubsidized amount any landlord could charge and lease the unit promptly after preparation for occupancy.

Setting Flat Rents Properly (24 CFR 960.253(b))

To calculate a flat rent, GHA is required to take into consideration the following for each property:

- Location (this will include the value and quality of neighboring housing);
- Quality (need for rehabilitation);
- Unit size (both number of bedrooms and square footage);
- Unit type (Generally single-family units are valued the highest, with semi-detached and town-home next, then walk-up or garden-type apartments. Elevator buildings are usually considered the least popular for family housing, although that is not necessarily the case in mixed population housing.);
- Age of property;
- Amenities at the property and in immediate neighborhood (e.g. laundry facilities, child care, recreation room, play areas, open space, parking, public transportation, schools, shopping, etc.);
- Housing services provided;
- Maintenance provided by the GHA; and
- Utilities provided by the GHA.

In determining Flat Rent, GHA will use the following methods:

- GHA will use rent reasonableness data to establish fiat rents for their units if they have Section 8 units located in the same neighborhoods as their public housing properties and they adjust for differences between the units
- GHA will have the rents established through other forms of market analysis using census data, surveys, and the expertise of market analysts or appraisers.
- Documentation on the method used to determine flat rents will be retained by the GHA
- There is no utility allowance or reimbursement with flat rents. Instead, the GHA takes the utility payment into consideration in setting the flat rents. In two otherwise identical properties, the flat rent would be higher for the property with GHA supplied utilities and lower for the property with tenant-paid utilities.

Annual Review of Flat Rents

At least once each year the PHA is required to review flat rent levels and make adjustments as needed to ensure that flat rents continue to mirror market rent values. In some PHA neighborhoods, where private disinvestments are occurring, this could result in a reduction of flat rents. Conversely, if public and private investments are causing an increase in rental values near a public housing property, flat rents will rise.

Residents paying flat rents would not have their flat rents adjusted (up or down) until their annual reexamination, even if the re-determination of the flat rent amount is completed mid-year.

The Schedule of Flat Rents is posted at the public housing developments and designated posting areas within the GHA.

W. GHA'S CEILING RENT

The ceiling rent will mirror the flat rent (of exactly the same amount as the flat rent plus the utility allowance).

Ceiling rents, which capped income-based rents are optional rents that GHA has adopted and maintained. The institution of flat rents, under QHWRA, has changed the future function and usefulness of ceiling rents. Some general principles concerning ceiling rents include:

- GHA had ceiling rents in effect on October 1, 1999 and has optioned to continue these rents. GHA is required to adjust these ceiling rents to the level of flat rents.
- With ceiling rents, utility allowances are retained in the calculation;
- Ceiling rents fostered upward mobility and income-mixing;
- Once the GHA has established flat rents, ceiling rents are set at the same level (which will require the addition of the utility allowance to the flat rent for properties with tenant-paid utilities).

At this point, the function of the ceiling rent is to assist flat rent families whose incomes are reduced, causing the families to be placed on income-based rents. If their incomes increase before the annual reexamination date, the families cannot be placed back on flat rents until the reexamination, but since the GHA has maintained the ceiling rents, the family whose income would exceed the ceiling rent will be placed on a ceiling rent (of exactly the same amount as the flat rent plus the utility allowance) until the annual reexamination.

Chapter 7

VERIFICATION

[24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230 Notice PIH 2010-19, 24 CFR 960.259]

INTRODUCTION

The GHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain the family's consent to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The GHA must not pass on the cost of verification to the family.

The GHA will follow the verification guidance provided by PIH Notice 2010-19, Administrative Guidance for effective and mandated use of the Enterprise Income Verification (EIV) system, and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary GHA policies.

Part I describes the general verification process. More detailed requirements related to individual factors are provided in subsequent parts including family information (Part II), income and assets (Part III), and mandatory deductions (Part IV).

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies of the GHA.

PART I. GENERAL VERIFICATION REQUIREMENTS

A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 960.259 AND, 24 CFR 5.230]

The family must supply any information that the GHA or HUD determines is necessary to the administration of the program and must consent to GHA verification of that information [24 CFR 960.259(a)]

Consent Forms

It is required that all adult applicants and participants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the GHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). All adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

Penalties for Failing to Consent [24 CFR 5.232]

If any family member who is required to sign a consent form fails to do so, the GHA will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with GHA procedures.

B. OVERVIEW OF VERIFICATION REQUIREMENTS

Overview

On December 29, 2009, HUD issued the final rule entitled *Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification (EIV) System-Amendments*, which requires PHAs to use the EIV system in its entirety to verify tenant employment and income information during mandatory reexaminations of family composition and income; and reduce administrative and subsidy payment errors in accordance with 24 CFR §5.236 and administrative guidance issued by HUD.

Using EIV as an upfront income verification (UIV) technique is a valuable in validating tenant-reported income during interim and annual reexaminations of family income; as well as streamlining the income verification process. This will result in less administrative burden in complying with third party verification requirements. Additionally, EIV will help to identify and cure inaccuracies in housing subsidy determinations, which will benefit PHAs, tenants, and taxpayers by ensuring that the level of benefits provided on behalf of families is proper and will prevent fraud and abuse within Public and Indian Housing (PIH) rental assistance programs.

GHA Policy

The GHA is required to use the EIV system in its entirety. This means the GHA must use all features of the EIV system to:

- Verify tenant employment and income information during mandatory reexaminations of family composition and income in accordance with 24 CFR §5.236, and HUD administrative guidance; and
- Reduce administrative and subsidy payment errors in accordance with HUD administrative guidance.

C. THE EIV SYSTEM

The EIV System is a web-based application, which provides GHA with employment, wage, unemployment compensation and social security benefit information of tenants who participate in the Public Housing and various Section 8 programs under the jurisdiction of the Office of Public and Indian Housing (PIH). This system is available to GHA. Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN)) reported on the form HUD-50058.

GHA is required to review the EIV Income Report of each family before or during mandatory annual and interim reexaminations of family income and/or composition to reduce tenant under reporting of income and improper subsidy payments. EIV is classified as an UIV technique (or automated written third party verification), which helps to identify income sources and/or amounts that the tenant may not have disclosed. This UIV technique in many instances will reduce the need to mail or fax third party verification request forms to an income source. EIV also provides various reports to assist GHA with the following:

- Identifying tenants whose reported personal identifiers do not match the SSA database;
- Identifying tenants who need to disclose a SSN;
- Identifying tenants whose alternate identification number (Alt ID) needs to be replaced with a SSN;
- Identifying tenants who may not have reported complete and accurate income information;
- Identifying tenants who have started a new job;
- Identifying tenants who may be receiving duplicate rental assistance;
- Identifying tenants who are deceased and possibly continuing to receive rental assistance;
- Identifying former tenants of PIH rental assistance programs who voluntarily or involuntarily left the program and have a reportable adverse status and/or owe money to a PHA or Section 8 landlord.

GHA Policy

All GHA staff (including GHA-hired management agents), who have a need to access the EIV system, is required to complete and submit the EIV Access Authorization Form & Rules of Behavior and User Agreement to their designated EIV Coordinator in the local HUD office. The form is available online at:

<http://www.hud.gov/offices/pih/programs/ph/rhiip/uivsystem.cfm>.

The user's access must be approved by GHA's CEO or designee in order for the local HUD office to process all EIV access requests. Individuals who will not directly access the EIV system, but will have access to the EIV data in printed or electronic form is also required to complete the EIV Access Authorization Form & Rules of Behavior and User Agreement and maintain on file (do not submit the form to the local HUD office).

The Verification Hierarchy

GHA Policy

The GHA will begin with the highest level of verification techniques. The GHA is required to access the EIV system and obtain an Income Report for each household. The GHA is required to maintain the Income Report in the tenant file along with the form HUD-50058 and other supporting documentation to support income and rent determinations for all mandatory annual reexaminations of family income and composition.

If the Income Report does not contain any employment and income information for the family,

the GHA will attempt the next lower level verification technique, as noted in the below chart.

Level Verification Technique Ranking

Level	Verification Technique	Ranking
6	Upfront Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system (not available for income verifications of applicants)	Highest (Mandatory)
5	Upfront Income Verification (UIV) using non-HUD system	Highest (Optional)
4	Written third Party Verification	High (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV- reported employment and income information and is unable to provide acceptable documentation to support dispute)
3	Written Third Party Verification Form	Medium-Low (Mandatory if written third party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation) Low (Mandatory if written third party verification is not available)
2	Oral Third Party Verification	Low (Mandatory if written third party verification is not available)
1	Tenant Declaration	Low (Use as a last resort when unable to obtain any type of third party verification)

This verification hierarchy applies to income determinations for applicants and participants. However, EIV is not always available for verifying income of applicants. The GHA is still required to use EIV for applicants to determine other factors as relates to eligibility and maintain a copy of the record in the file.

Verification Technique Definitions Third Party Verification Techniques

Upfront Income Verification (UIV) (Level 6/5)

The verification of income before or during a family reexamination, through an independent

source that systematically and uniformly maintains income information in computerized form for a number of individuals.

The EIV system is available to the GHA as a UIV technique. The GHA is encouraged to continue using other non-HUD UIV tools, such as The Work Number (an automated verification system) and state government databases, to validate tenant-reported income when available.

Written Third Party Verification (Level 4)

An original or authentic document generated by a third party source dated either within the 60-day period preceding the reexamination or the GHA request date. Such documentation may be in the possession of the tenant (or applicant), and is commonly referred to as tenant-provided documents.

These tenant-provided documents are considered written third party verification since they originated from a third party source. The GHA may, at its discretion reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.

Examples of acceptable tenant-provided documentation (generated by a third party source) include, but are not limited to:

- Pay stubs,
- Payroll summary report,
- Employer notice/letter of hire/termination,
- SSA benefit verification letter,
- Bank statements,
- Child support payment stubs,
- Welfare benefit letters and/or printouts, and;
- Unemployment monetary benefit notices.
- Current acceptable tenant-provided documents must be used for income and rent determinations.

The PHA is required to obtain at a minimum, two current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available, the PHA should project income based on the information from a traditional written third party verification form or the best available information.

Documents older than 60 days (from the PHA interview/determination or request date) are acceptable for confirming effective dates of income.

Written Third Party Verification Form (Level 3)

Also, known as traditional third party verification, this is a standardized form used to collect information from a third party source. The third party completes the form by hand (in writing or typeset). The GHA sends the form directly to the third party source by mail, fax, or email.

GHA Policy

It is the GHA's position that the administrative burden and risk associated with use of the traditional third party verification form may be reduced the GHA relying on acceptable documents that are generated by a third party, but in the possession of and provided by the tenant (or applicant). Many documents in the possession of the tenant are derived from third party sources (i.e. employers, federal, state and/or local agencies, banks, etc.).

The GHA recognizes that third party verification request forms sent to third party sources often are not returned. In other instances, the person who completes the verification form may provide incomplete information; or some tenants may collude with the third party source to provide false information; or the tenant intercepts the form and provides false information.

Documents must originate from a third party source's computerized system and/or database, as this process reduces the likelihood of incorrect or falsified information being provided on the third party verification request form. The use of acceptable tenant-provided documents, which originate from a third party source, will improve the integrity of information used to determine a family's income and rent and ultimately reduce improper subsidy payments. This verification process will also streamline the income verification process.

Oral Third Party Verification (Level 2)

Independent verification of information by contacting the individual income/expense source(s), as identified through the UIV technique or identified by the family, via telephone or in-person visit. PHA staff should document in the tenant file, the date and time of the telephone call (or visit to the third party), the name of the person contacted and telephone number, along with the confirmed information.

GHA Policy

This verification will be used in the event that the independent source does not respond to the GHA's faxed, mailed, or e-mailed request for information in a reasonable time frame, (i.e., ten (10) business days).

Non-Third Party Verification Technique Tenant Declaration (Level 1)

The tenant submits an affidavit or notarized statement of reported income and/or expenses to the PHA. This verification method should be used as a last resort when the GHA has not been successful in obtaining information via all other verification techniques. When the GHA relies on tenant declaration, the PHA must document in the tenant file why third party verification was not available.

Exceptions to Third Party Verification Requirements 24 CFR §960.259(c)(1) and §982.516(a)(2)

The exception to third party verification is, "The PHA must obtain and document in the family file third party verification of the following factors, **or must document in the file why third party verification was not available.**"

If third party verification is not available for a variety of reasons these reasons include:

- The GHA may have made numerous attempts to obtain the required verifications with no

success, or

- It may not be cost effective to obtain third party verification of income, assets, or expenses, when the impact on total tenant payment is minimal.

In these cases, the GHA is **required to document in the family file the reason(s) why third party verification was not available.**

The exception to third party verification can be found at 24 CFR §960.259(c)(1) and §982.516(a)(2).

Third party verification requirements 24 CFR §960.259(c)(1) and 24 CFR §982.516(a)(2)

In accordance with for the Public Housing and the HCV programs, respectively, the GHA must obtain and document in the tenant file third party verification of the following factors, or must document in the tenant file why third party verification was not available:

- Reported family annual income
- The value of assets
- Expenses related to deductions from annual income
- Other factors that affect the determination of adjusted income.

Compliance and reduction of the administrative burden of third party verification requirements of family annual income

GHA can comply with and reduce administrative burden of third party verification requirements for employment, wage, unemployment compensation and social security benefits, and any other information that is verifiable using EIV by all of the following:

- Reviewing the EIV Income Report to confirm/validate tenant-reported income
- Printing and maintaining an EIV Income Report (or an EIV Individual Control Number (ICN) page for interim reexaminations) in the tenant file
- Obtaining current acceptable tenant-provided documentation to supplement EIV information
- Using current tenant-provided documentation and/or third party verification to calculate annual income.

Note: Social Security benefit information in EIV is updated every three months. If the tenant agrees with the EIV-reported benefit information, GHA does not need to obtain or request a benefit verification letter from the tenant. See PIH Notice 2012-10 for guidance on verifying Social Security benefit income through the EIV system.

The GHA may also reduce the administrative burden of obtaining third party verification by relying on acceptable documents that are generated by a third party, but provided by the tenant. Many documents in the possession of the tenant are derived from third party sources (i.e. employers, federal, state and/or local agencies, banks, etc.).

The GHA must request written third party verification under the following circumstances:

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- When the tenant disputes the EIV information and is unable to provide acceptable documentation to support his/her dispute (24 CFR §5.236(b))
 - When the GHA requires additional information that is not available in EIV and /or the tenant is unable to provide the GHA with current acceptable tenant-provided documentation.

Examples of additional information, includes but is not limited to:

- Effective dates of income (i.e. employment, unemployment compensation, or social security benefits)
- For new employment: pay rate, number of hours worked per week, pay frequency, etc.
- Confirmation of change in circumstances (i.e. reduced hours, reduced rate of pay, temporary leave of absence, etc.)

Note: 24 CFR §5.236(a), prohibits GHA from taking adverse action based solely on EIV information.

Types of file documentation required to demonstrate GHA compliance with mandated use of EIV as a third party source to verify tenant employment and income information (24 CFR §5.233(a)(2)(i)).

1. For each new admission (form HUD-50058 action type 1), the GHA is required to do the following:
 - Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
 - Print and maintain a copy of the EIV Income Report in the tenant file; and
 - Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
2. For each historical adjustment (form HUD-50058 action type 14), the GHA is required to do the following:
 - Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
 - Print and maintain a copy of the EIV Income Report in the tenant file;
 - Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
3. For each interim reexamination (form HUD-50058 action type 3) of family income and composition, GHA is required to have the following documentation in the tenant file:
 - **ICN Page** when there is **no** household income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report. The GHA has the discretion to print the EIV Income report, however, only the ICN page is required.

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- **EIV Income Report** when there is an income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.

For each annual reexamination of family income and composition, the GHA is required to have the following documentation in the tenant file:

- **No Dispute of EIV Information:** EIV Income Report, current acceptable tenant-provided documentation, and *if necessary* (as determined by the GHA), traditional third party verification form(s).
- **Disputed EIV Information:** EIV Income report, current acceptable tenant- provided documentation, and/or *traditional* third party verification form(s) for disputed information.
- **Tenant-reported income not verifiable through EIV system:** Current tenant-provided documents, and *if necessary* (as determined by the GHA), traditional third party verification form(s).

Tenants That Do Not Provide the GHA with Requested Information

If the tenant does not provide the requested information, the GHA may mail or fax a third party verification request form to the third party source. The GHA is **required** to request third party verification when the tenant disputes EIV information and the tenant is unable to provide acceptable documentation to support disputed information. However, the GHA shall remind the tenant that s/he is required to supply any information requested by the GHA for use in a regularly scheduled annual or interim reexamination of family income and composition.

The GHA may determine that the tenant is not in compliance with program requirements and terminate tenancy or assistance, or both, if the tenant fails to provide the requested information in a timely manner,

Using the EIV to Reduce Administrative and Subsidy Payment Errors.

EIV has the ability to identify other potential issues, which may impact a family's level of assistance. EIV contains stand-alone reports, which the GHA may generate at any time i.e.;

- Deceased Tenants Report,
- New Hires Report,
- Multiple Subsidy Report,
- Identity Verification Report,
- Income Discrepancy Report,
- Debts Owed to PHAs & Termination Report, and Immigration Report

However, it should be noted that the information from these stand-alone reports are contained in the Income Report for each household. The GHA is **required** to address any and all potential issues at the time of the annual, interim reexam or 90 days after move-in, as conveyed in the Income Report.

The GHA may use the stand-alone reports to monitor staff's progress in reducing the following administrative and subsidy payment errors by using the listed reports:

- Incorrect/invalid SSNs/name/date of birth – Identity Verification Report
- Follow- up with families who need to disclose a SSN – Immigration Report
- Duplicate rental assistance – Multiple Subsidy Report
- Unreported increase in income – Income discrepancy Report
- Improper payments on behalf of deceased tenants – Deceased Tenants Report
- Unreported new employment (PHAs with interim increase policy) – New Hires Report
- Adverse Termination/Outstanding Debt to PHA – Debts Owed to PHAs & Termination Search

In order to ensure the GHA is aware of potential subsidy payment errors, the GHA is **required** to monitor the following EIV reports on a **monthly** basis:

- Deceased Tenants Report
- Identity Verification Report
- Immigration Report

In order to ensure the GHA is aware of potential subsidy payment errors, the GHA is **required** to monitor the following EIV reports on a quarterly basis:

- Income Discrepancy Report
- Multiple Subsidy Report
- New Hires Report (if GHA has an interim increase policy)

Using the EIV Income Report as a third party source to verify tenant employment and income information

The EIV Income Report provides a variety of information about each household member of the family. The report contains the following information for each household member:

- Personal identifiers: name, date of birth, and SSN
- Identity verification status (pending, verified, deceased, or failed)
- Employment information
 - New Hire Information (W-4)
 - Date hired
 - Employer name

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- Employer name, address and employer identification number of current and past employers
 - Quarterly earnings
 - Quarterly unemployment compensation
 - Social Security benefit information
 - Social Security (SS) benefits
 - Social Security (SS)
 - Payment status code
 - Date of current entitlement
 - Current net monthly benefit amount (if payable)
 - Gross monthly benefit history
 - Lump sum payment amount and date
 - Payee name and Address
 - Dual Entitlement (benefits (Social Security benefits under another person's SSN))
 - Claim Number (the other person's SSN)
 - Payment status code
 - Date of current entitlement
 - Current net monthly benefit amount (if payable)
 - Gross monthly benefit history (last 8 changes in benefit amount)
 - Payee name and address
 - Supplemental Security Income (SSI)
 - Payment status code
 - Alien indicator
 - Current net monthly benefit amount
 - Current monthly state supplement benefit amount (if available)
 - Gross monthly benefit history (last 8 changes in benefit amount)
 - Payee name and address
 - Medicare data
 - Payee name and address
 - Monthly hospital insurance premium amount, buy- in status, and buy- in start and end dates

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- Monthly supplemental medical insurance premium amount, buy-in status, and buy-in start and end dates
 - Disability status and onset date
 - Identity verification status
 - Indicator of debt and/or termination information from another PHA (effective September 2010)

All EIV Income Reports contain the date the report was generated and by whom; and the date EIV received each type of information.

EIV Requirements for Recertification

To minimize tenant underreporting of income, the GHA is required to obtain an EIV Income Report for each family any time the PHA conducts an annual or interim reexamination of family income and composition.

In accordance with 24 CFR §5.236(b)(2) & (3), GHA is required to compare the information on the EIV report with the family-reported information. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference in the reported income information, the GHA is required to take the following actions:

- Discuss the income discrepancy with the tenant
- Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources;
- In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, the GHA is required to request from the third party source, any information necessary to resolve the income discrepancy
- If applicable, determine the tenant's underpayment of rent as a result of unreported or underreported income, retroactively*
- Take any other appropriate action as directed by HUD or the GHA's administrative policies.

* The GHA is required to determine the retroactive rent as far back as the existence of complete file documentation (form HUD-50058 and supporting documentation) to support such retroactive rent determinations.

***Note:** A substantial difference is defined as an amount equal to or greater than \$2,400, annually.*

When there is an unsubstantial or no disparity between tenant-reported and EIV-reported income information, the GHA is required to obtain from the tenant, any necessary documentation to complete the income determination process. As noted previously, the GHA may reject any tenant-provided documentation, if the GHA deems the documentation unacceptable. The GHA may reject documentation provided by the tenant for only the following HUD-approved reasons:

-
- The document is not an original; or
 - The original document has been altered, mutilated, or is not legible; or
 - The document appears to be a forged document (i.e. does not appear to be authentic).

The GHA will explain to the tenant, the reason(s) the submitted documents are not acceptable and request the tenant to provide additional documentation. If at any time, the tenant is unable to provide acceptable documentation that the GHA deems necessary to complete the income determination process, the GHA is required to submit a traditional third party verification form to the third party source for completion and submission to the GHA.

If the third party source does not respond to the GHA's request for information, the GHA is required to document the tenant file of its attempt to obtain third party verification and that no response to the third party verification request was received.

The GHA should then pursue lower level verifications in accordance with the verification hierarchy.

Tenant Actions for GHA Underpayments of Rent

GHA Policy

The tenant must be provided an opportunity to contest the GHA's determination of tenant rent underpayment. HUD regulations require the GHA to promptly notify tenants in writing of any adverse findings made on the basis of the information verified through the aforementioned income discrepancy resolution process. The tenant may contest the findings in accordance with the GHA's established grievance procedures, as required by HUD. The GHA may not terminate, deny, suspend, or reduce the family's assistance until the expiration of any notice or grievance period.

Tenant Repayment Agreement and Failure to Report Income

Tenants are required to reimburse the GHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the GHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent.

If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the GHA **must** terminate the family's tenancy or assistance, or both. HUD does **not** authorize any GHA-sponsored amnesty or debt forgiveness programs, therefore, no amnesty or debt forgiveness program will be provided.

All repayment agreements must be in writing, dated, signed by both the tenant and the GHA, include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements must contain the following provisions:

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- Reference to the paragraphs in the Public Housing lease or Section 8 information packet whereby the tenant is in non-compliance and may be subject to termination of tenancy or assistance, or both.
 - The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the GHA.
 - The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
 - Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.
 - The GHA is required to determine retroactive rent amount as far back as they have documentation of family reported income. For example, if the GHA determines that the family has not reported income for a period of five years and only has documentation for the last three years, the GHA is only able determine retroactive rent for the three years for which documentation is available.

Repayments shall be in accordance with GHA's repayment polices and agreement.

EIV Record Retention

GHA Policy

The GHA's record retention policy will determine the length of time the PHA should maintain EIV printouts in a tenant file. GHAs are authorized to maintain the EIV Income Report in the tenant file for the duration of tenancy and no longer than three years from the end of participation (EOP) date. In accordance with revised regulation, 24 CFR §908.101, the GHA is required to maintain at a minimum, the last three years of the form HUD-50058, and supporting documentation for all annual and interim reexaminations of family income. All records are to be maintained for a period of at least three years from the effective date of the action.

Disclosure of an Individual's EIV Information

The Federal Privacy Act (5USC§552a, as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. As such, the EIV data of an adult household member may not be shared (or a copy provided or displayed) with another adult household member, unless the individual has provided written consent to disclose such information.

However, the GHA is not prohibited from discussing with the head of household (HOH) and showing the HOH how the household's income and rent were determined based on the total family income reported and verified.

GHA Policy

EIV information and any other information obtained by the GHA for the purpose of

determining eligibility and level of assistance for a PIH rental assistance program may not be disclosed to third parties for any reason (even for similar verifications under other programs, such as eligibility for low income housing tax credit units, other federal or state assistance programs), unless the tenant has authorized such disclosure in writing.

Incorrect EIV Information

Sometimes the source or originator of EIV information may make an error when submitting or reporting information about tenants. HUD cannot correct data in the EIV system. Only the originator of the data can correct the information. When the originator corrects the data, HUD will obtain the updated information with its next computer matching process. Below are the procedures tenants and the GHA will follow regarding incorrect EIV information.

Employment and wage information reported in EIV originates from the employer. The employer reports this information to the local State Workforce Agency (SWA), who in turn, reports the information to HHS' (Health and Human Services) National Directory of New Hires (NDNH) database.

If the tenant disputes this information, s/he should contact the employer directly, in writing to dispute the employment and/or wage information, and request that the employer correct erroneous information.

The tenant should provide the GHA with this written correspondence so that it may be maintained in the tenant file. If employer resolution is not possible, the tenant should contact the local SWA for assistance.

Unemployment benefit information reported in EIV originates from the local SWA. If the tenant disputes this information, s/he should contact the SWA directly, in writing to dispute the unemployment benefit information, and request that the SWA correct erroneous information. The tenant should provide the GHA with this written correspondence so that it may be maintained in the tenant file.

SS and SSI benefit information reported in EIV originates from the SSA. If the tenant disputes this information, s/he should contact the SSA at (800) 772-1213, or visit the local SSA office. SSA office information is available in the government pages of the local telephone directory or online at <http://www.socialsecurity.gov>.

Note: The tenant may also provide the GHA with third party documents, which are in the tenant's possession to support their dispute of EIV information. The GHA, with the tenant's consent, is required to submit a third party verification form to third party sources for completion and submission to the GHA, when the tenant disputes EIV information and is unable to provide documentation to validate the disputed information. **The tenant's failure to sign the consent form is grounds for termination of tenancy and/or**

assistance in accordance with 24 CFR §5.232.

Debts owed to GHA and termination information reported in EIV originates from the PHA. If a current or former tenant disputes this information, s/he should contact the PHA (who reported the information) directly in writing to dispute this information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV.

Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the PIH program.

Identity Theft

Seemingly incorrect information in EIV may be a sign of identity theft. Sometimes someone else may use an individual's SSN, either on purpose or by accident. SSA does not require an individual to report a lost or stolen SSN card, and reporting a lost or stolen SSN card to SSA will not prevent the misuse of an individual's SSN.

However, a person using an individual's SSN can get other personal information about that individual and apply for credit in that individual's name. So, if the tenant suspects someone is using his/her SSN, s/he should check their Social Security records to ensure their records are correct (call SSA at (800) 772-1213); file an identity theft complaint with the local police department and/or Federal Trade Commission (call FTC at (877) 438-4338, or visit their website at: <http://www.consumer.ftc.gov/features/feature-0014-identity-theft>); and s/he should also monitor their credit reports with the three national credit reporting agencies (Equifax, TransUnion, and Experian). The tenant should provide the GHA written documentation of filed identity theft complaint. (Refer back to paragraph on Employment and wage information regarding disputed EIV information related to identity theft).

Tenants may request their credit report and place a fraud alert on their credit report with the three national credit reporting agencies at: www.annualcreditreport.com or by contacting the credit reporting agency directly. Each agency's contact information is listed below.

National Credit Reporting Agencies Contact Information

Equifax Credit Information Services, Inc.

P.O. Box 740241 Atlanta, GA 30374

Website: www.equifax.com

Telephone: (800) 685-1111

Experian

P.O. Box 2104 Allen, TX 75013

Website: www.experian.com

Telephone (888) 397-3742

TransUnion LLC

P.O. Box 2000 Chester, PA 19022-2000

Website: www.transunion.com

Telephone: (800) 680-7289 or (800) 888-4213

Security of EIV Data

The data in EIV contains personal information on individual tenants, which is protected under the Federal Privacy Act. The information in EIV may only be used for limited official purposes, as noted below

Official Purposes Include:

- The GHA, in connection with the administration of PIH programs, for verifying the employment and income at the time of interim and annual reexaminations.
- HUD staff for monitoring and oversight of GHA compliance with HUD program requirements.
- Independent Auditors hired by the GHA or HUD to perform a financial audit for use in determining the GHA's compliance with HUD program requirements, including verifying income and determining the accuracy of the rent and subsidy calculations.

Restrictions on disclosure requirements for Independent Auditors

Independent Auditors:

- May only access EIV income information within family files and only within the offices of the GHA or a GHA- hired management agent;
- May not transmit or transport EIV income information in any form;
- May not enter EIV income information on any portable media;
- Must sign non-disclosure oaths that the EIV income information will be used only for the purpose of the audit; and
- May not duplicate EIV income information or re-disclose EIV income information to any user not authorized by Section 435(j)(7) of the Social Security Act to have access to the EIV income data.

Official Purposes for Disclosure of EIV Do NOT Include:

- Sharing the information with governmental or private entities not involved in the reexamination process specifically used for PIH rental assistance programs.
- Disclosing the EIV information to other private or public entities for purposes other than determining eligibility and level of assistance for PIH rental assistance programs is prohibited since these entities are not a party to the computer matching agreements with the HHS and SSA.
- The fact that these entities may find the EIV beneficial for similar eligibility and determination purposes for other low- income housing programs or public benefits, does not permit these entities to use or view information in the EIV system that is covered by the computer matching agreements.
- The computer matching agreements are governed by the Privacy Act and the Social Security Act. Specifically, sections 453(j)(7)(E)(ii) and (iv) of the Social Security Act (42 USC §653j) limit disclosure of the data matched between HUD and HHS' National Directory of New Hires (NDNH) database to PHAs, Independent Auditors, the Inspector General (IG) and Attorney General, private owners, management agents, and contract administrators of Multifamily Housing programs.

Penalties for Willful Disclosure or Inspection of EIV Data

- **Unauthorized Disclosure** – felony conviction and fine up to \$5,000 or imprisonment up to five (5) years, as well as civil damages.
- **Unauthorized Inspection** – misdemeanor penalty of up to \$1,000 and/or one (1) year imprisonment, as well as civil damages.

Penalties for Noncompliance with Mandated EIV System Use

The GHA may be subject to sanctions and/or the assessment of disallowed costs associated with any resulting incorrect subsidy or tenant rent calculation or both. HUD may impose a sanction on:

- The GHA if it does not have access to the EIV system or;
- The GHA has access to the system, however, has not used the system within the last six months.

To avoid sanctions or disallowed costs, the GHA will follow all formal and informal guidance provided to PHAs via webcast trainings, PIH Rental Housing Integrity Improvement Project (RHIP) periodic electronic mailings, and any other HUD Headquarters'-generated guidance.

Updating of PHA Policies and Procedures

GHA Policy

The GHA is required to implement all new and modified regulatory requirements of the *Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System-Amendments*.

Notice to Applicants and Tenants

HUD PIH 2010-19 is providing PHAs with the attached EIV system information guide that the GHA may provide to applicants and tenants of PIH rental assistance programs. The GHA is **not** required to distribute this document. However, the GHA will provide applicants and tenants with the ***What You Should Know About EIV Guide*** to educate families about EIV and inform them of how it affects their family.

There are two versions of the document: 1) with a signature block; and 2) without a signature block. It is not required for applicants or tenants to acknowledge receipt of the document; however, the GHA may, at their discretion, require the family to acknowledge receipt of the guide. GHA requires families to acknowledge receipt of the guide, provide the family with a copy of the guide to take with them, and maintain a signed copy in the family file folder.

EIV Income Reports

The data shown on income reports is updated quarterly. Data may be between three and six months old at the time reports are generated.

GHA Policy

GHA will obtain income reports for annual reexaminations on a monthly basis. Reports will be generated as part of the regular reexamination process. Income reports will be compared to family-provided information as part of the annual reexamination process. Income reports may be used in the calculation of annual income. Income reports may also be used to meet the regulatory requirement for third party verification, as described above.

Income reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.

Income reports will be retained in resident files with the applicable annual or interim reexamination documents.

When GHA determines through income reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies GHA Fraud Policy.

GHA will attempt to resolve PIC/SSA discrepancies by obtaining appropriate documentation from the tenant. When GHA determines that discrepancies exist due to GHA errors such as spelling errors, incorrect social security numbers or incorrect birth dates, the errors will be corrected promptly.

Upfront Income Verification Using Non-HUD Systems (Optional)

In addition to mandatory use of the EIV system, HUD encourages PHAs to utilize other upfront verification sources. GHA will inform all applicants and residents of its use of the following UIV resources during the admission and reexamination process.

D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

Reasonable Effort and Timing

Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source.

Examples of acceptable tenant-provided documents include, but are not limited to: pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

The PHA is required to obtain, at minimum, two current and consecutive pay stubs for determining annual income from wages.

The PHA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated or illegible.

Unless third-party verification is not required as described below, HUD requires the GHA to make at least two unsuccessful attempts to obtain third-party verification before using another form of verification [VG, p. 15].

When Third-Party Information is Late

When third-party verification has been requested and the timeframes for submission have been exceeded, the GHA will use the information from documents on a provisional basis. If the GHA later receives third-party verification that differs from the amounts used in income and rent determinations and it is past the deadline for processing the reexamination, the GHA will conduct an interim reexamination to adjust the figures used for the reexamination, regardless of the GHA's interim reexamination policy.

When Third-Party Verification is Not Required

Primary Documents

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Certain Assets and Expenses

The GHA will accept a self-certification from a family as verification of assets disposed of for less than fair market value.

The GHA will determine that third-party verification is not available if the asset or expense involves an insignificant amount, making it not cost-effective or reasonable to obtain third-party verification.

GHA Policy

The GHA will use review of documents in lieu of requesting third-party verification when the market value of an individual asset or an expense is less than \$500 annually *and* the family has original documents that support the declared amount.

Certain Income, Asset and Expense Sources

GHA Policy

The GHA also will determine that third-party verification is not available when there is a service charge for verifying an asset or expense *and* the family has original documents that provide the necessary information.

If the family cannot provide original documents, the GHA will pay the service charge required to obtain third-party verification, unless it is not cost effective in which case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family.

The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost.

F. SELF-CERTIFICATION

GHA Policy

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the GHA. GHA will document the unsuccessful attempts and justification for self-certification in the family's file.

The GHA may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to the GHA and must be signed by the family member whose information or status is being verified.

PART II. VERIFYING FAMILY INFORMATION

G. VERIFICATION OF LEGAL IDENTITY

GHA Policy

The GHA will require families to furnish verification of legal identity for each household member.

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers	Certificate of birth
Church issued baptismal certificate	Adoption papers
Current, valid driver's license or Department of Motor Vehicles identification card	Custody agreement
U.S. military discharge (DD 214)	Health and Human Services ID
U.S. passport	School records
	School or government-issued photo ID for age 16 and over.

If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided and at the GHA's discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a format acceptable to the GHA and be signed in the presence of a GHA representative or GHA notary public.

Legal identity will be verified on an as needed basis.

H. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and Notice PIH 2012-10]

The family must provide documentation of a valid social security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include, existing residents who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN. A self-certification stating that no SSN has been issued for a person that is not declaring eligibility of that member is acceptable only for those members of a mixed-family that do not declare eligibility. The self-certification must be executed personally by any family member 18 or older, or by a parent or guardian for a minor.

GHA Policy

GHA will accept the following documents as acceptable evidence of the social security number:

- An original SSN card issued by the Social Security Administration (SSA)
- An original SSA-issued document, which contains the name and SSN of the individual
- An original document issued by a federal, state or local government agency, which contains the name and SSN of the individual

If the family reports an SSN but cannot provide acceptable documentation of the number, the GHA will require a self-certification stating that documentation of the SSN cannot be provided at this time. The GHA will require documentation of the SSN within 60 calendar days from the date of the family member's self-certification mentioned above. If the family is an applicant, assistance cannot be provided until proper documentation of the SSN is provided.

GHA Policy

The GHA will instruct the family to obtain a duplicate card from the local Social Security Administration (SSA) office.

For individuals who are at least 62 years of age and are unable to submit the required documentation of their SSN within the initial 60-day period, the GHA will grant an additional 60 calendar days to provide documentation. If the provided documentation is not acceptable evidence of the social security number, GHA will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to GHA within 90 calendar days. The explanation and request will be documented in the tenant file.

When the resident requests to add a new household member who is at least 6 years of age or who is under the age of 6 and has an SSN, the resident must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. The PHA may not add the new household member until such documentation is provided.

When a resident requests to add a new household member who is under the age of 6 and has not been assigned an SSN, the resident must provide the SSN assigned to each new child and the required documentation within 90 calendar days of the child being added to the household. A 90-day extension will be granted if the PHA determines that the resident's failure to comply was due to unforeseen circumstances and was outside of the resident's control. During the period the PHA is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

GHA will grant one additional 90-day extension if needed for reasons beyond the resident's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family or other emergency.

Social Security Numbers must be verified only once during continuously assisted occupancy.

If any family member obtains an SSN after admission to the program, the new SSN must be disclosed at the next regularly scheduled reexamination. If required by the law enforcement entity for the purpose of conducting criminal background verification, the social security numbers of household members, such as live-in aides, must be verified for the purpose of conducting criminal background checks.

Social security numbers must be verified only once during continuously-assisted occupancy.

GHA will verify each disclosed SSN by:

- Obtaining documentation from applicants and residents that is acceptable as evidence of social security numbers.
- Making a copy of the original documentation submitted, returning it to the individual and retaining a copy in the file folder.

Once an individual's status is classified as "verified" in HUD's EIV system, GHA will retain and secure all SSN documents in the tenant file throughout the family's tenancy in Public Housing. Thereafter, it will be retained in accordance with GHA's record retention policies.

I. DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

GHA Policy

If an official record of birth, the GHA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and/or to provide a self-certification.

Age must be verified only once during continuously assisted occupancy.

J. FAMILY RELATIONSHIPS

Applicants and program participants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

GHA Policy

Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

GHA Policy

Certification by the head of household is normally sufficient verification. If the GHA has reasonable doubts about a marital relationship, the GHA will require the family to document the marriage.

A marriage certificate generally is required to verify that a couple is married.

In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name or filing joint income tax returns).

Separation or Divorce

GHA Policy

Certification by the head of household is normally sufficient verification. If the GHA has reasonable doubts about a separation or divorce, the GHA will require the family to document the divorce, or separation.

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.

A copy of a court-ordered maintenance or other court record is required to document a separation.

If no court document is available, documentation from a community-based agency will be accepted.

Absence of Adult Member

GHA Policy

If an adult member who was formerly a member of the household is reported to be permanently absent, the head of household must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill). Additionally the head of household will be required to submit a signed and notarized Removal from Lease certification form to GHA.

Foster Children and Foster Adults

GHA Policy

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

K. VERIFICATION OF STUDENT STATUS

GHA Policy

The GHA requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

The family claims full-time student status for an adult other than the head, spouse, or co-head, or

The family claims a childcare deduction to enable a family member to further his or her education.

The family claims income exclusion because the student is receiving earned income and only the first \$480 is included as income.

L. DOCUMENTATION OF DISABILITY

The GHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The GHA is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The GHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the GHA receives a verification document that provides such information, the GHA will not place this information in the tenant file. Under no circumstances will the GHA request a participant's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' website at <http://www.hhs.gov/ocr/privacy/>.

The above-cited regulation does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
- Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

Family Members Receiving SSA Disability Benefits

Verification of the receipt of disability benefits from the Social Security Administration (SSA) is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions.

GHA Policy

For family members claiming disability who receive disability benefits from the SSA, the GHA will attempt to obtain information about disability benefits through the HUD Enterprise Income Verification (EIV) system, when it is available. If documentation from HUD's EIV System is not available, the GHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the GHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant or participant receives the benefit verification letter they will be required to provide it to the GHA.

Family Members Not Receiving SSA Disability Benefits

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability necessary to qualify for waiting list preferences or certain income.

Definition as defined in: 24 CFR 5.403.

GHA Policy

For family members claiming disability who do not receive SSI or other disability benefits from the SSA, a knowledgeable medical professional must provide written third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

M. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

Overview

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. A detailed discussion of eligibility requirements is in the Eligibility chapter. This verifications chapter discusses HUD and GHA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously assisted occupancy. Verification of non-citizens having temporary status will need to be re-verified prior to the expiration date. [24 CFR 5.508(g)(5)]

U.S. Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

The GHA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

GHA Policy

Family members who claim U.S. citizenship or national status will be required to provide additional documentation such as a birth certificate, naturalization document, valid unexpired United States passport, an original baptism certificate or U.S. military report of separation (DD214).

Eligible Immigrants

Documents Required

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible non-citizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance.

Verification

For family members age 62 or older that claim to be eligible immigrants, proof of age is required.

For family members under the age of 62 who claim to be eligible immigrants, the GHA must verify immigration status with the United States Citizenship and Immigration Services (USCIS).

The GHA will follow all USCIS protocols for verification of eligible immigration status.

N. VERIFICATION OF PREFERENCE STATUS

Any preferences must be properly verified.

Elderly Preference

A head of household's or co-head of household's age will be verified at the time of the intake interview with birth certificates or original North Carolina DPS identification cards/driver's license in order to verify an elderly local preference. To qualify for this preference, the head of household, co-head or sole occupant must be at least 62 years old or older at time of the initial intake interview.

Disability:

The GHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The GHA is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. The GHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the GHA receives a verification document that provides such information, the GHA will not place this information in the tenant file. Under no circumstances will the GHA request a participant's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' website at www.os.dhhs.gov.

Displaced

Families displaced as a result of natural disaster or government action shall be given preference over families consisting of two or more, and non-elderly, non-handicapped/disabled single persons. The following documentation will be used to verify displacement status:

- Sworn Certification from a unit of government concerning displacement due to natural disaster.
- Sworn Certification from a unit of government concerning displacement due to code enforcement or public improvement/development or displacement by inaccessibility of a unit.

Homeless

Verification requirements for homeless preference are:

- Submission of a Certificate of Homelessness fully completed by an appropriate source or the applicant's signed statement that he/she lacks a fixed, regular and adequate nighttime residence; or his or her primary nighttime residence is:
 - a supervised public or private shelter designed to provide temporary housing accommodations (i.e. welfare hotels, congregate shelters and transitional housing);
 - a public or private place not designed or used as a regular sleeping place for human beings, OR
 - a third-party written verification from a public or private facility that provides shelter for homeless individuals, the local police department, or a social services agency, certifying the applicant's homeless status in accordance with the definition in this policy.

PART III. VERIFYING INCOME AND ASSETS

Chapter 6, Part I of this plan describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides GHA policies that supplement the general verification procedures specified in Part I of this chapter.

O. EARNED INCOME

GHA Policy

When paystubs or employer printouts are used to verify earnings, two (2) current consecutive current paystubs will be required to calculate annual income from earnings. This method will be used regardless of frequency (i.e. weekly, bi-weekly, semi-monthly, monthly). Income will be annualized using these paystubs or employer records. Exceptions to this method will be documented in the tenant file.

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

Interruption of employment due to temporary leave of absence (i.e. maternity leave, short-term disability): upon verification that earnings have stopped, an interim will be conducted to remove the income. The family may be required to complete a Zero/Extremely Low Income Questionnaire/Certification. The family is required to report any other income received in lieu of earnings. The family will be required to report when the income starts again. At that time an interim will be conducted to add the income back into the family budget.

P. BUSINESS AND SELF-EMPLOYMENT INCOME

GHA Policy

Business owners and self-employed persons will be required to provide:

An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify to its accuracy.

All schedules completed for filing federal and local taxes in the preceding year.

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

The GHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

At any reexamination the GHA may request documents that support submitted financial statements such as manifests, appointment books, cashbooks, or bank statements.

If a family member has been self-employed less than three (3) months, the GHA will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months the GHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

Q. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits

GHA Policy

To verify the SS/SSI benefits of applicants, the GHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s), the GHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant has received the benefit verification letter they will be required to provide it to the GHA.

To verify the SS/SSI benefits of participants, the GHA will obtain information about social security/SSI benefits through the HUD EIV System. If benefit information is not available in HUD systems, the GHA will request a current SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s) the GHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the participant has received the benefit verification letter they will be required to provide it to the GHA.

R. ALIMONY OR CHILD SUPPORT

GHA Policy

The way the GHA will seek verification for alimony and child support differs depending on whether the family declares that it receives regular payments.

If the family declares that it *receives regular payments*, verification will be sought in the following order.

If payments are made through a state or local entity, the GHA will request a record of payments for the past 12 months and request that the entity disclose any known information about the likelihood of future payments

Verification of Child Support payments may be obtained electronically from the Child Support enforcement web site. The GHA must have the participants case number and along with entering the case number the last four digits of the participants Social Security number must be entered. This is only for court support payments in North Carolina.

Third-party verification from the person paying the support

Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules

Copy of the latest check and/or payment stubs

Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If the family declares that it *receives irregular or no payments*, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts

If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

Note: Families are not required to undertake independent enforcement action.

S. ASSETS AND INCOME FROM ASSETS

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. The GHA needs to verify only those certifications that warrant documentation.

GHA Policy

The GHA will verify the value of assets disposed of only if:

The GHA does not already have a reasonable estimation of its value from previously collected information, or

The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly participant reported a \$10,000 certificate of deposit at the last annual reexamination and the GHA verified this amount. Now the person reports that she has given this \$10,000 to her son. The GHA has a reasonable estimate of the value of the asset; therefore, re-verification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately 5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the GHA will verify the value of this asset.

T. NET INCOME FROM RENTAL PROPERTY

GHA Policy

The family must provide:

A current executed lease for the property that shows the rental amount or certification from the current tenant

A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the GHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

U. RETIREMENT ACCOUNTS

GHA Policy

GHA will accept written third-party documents supplied by the family as evidence of the status of retirement accounts. When third-party verification is not available the type of original document that will be accepted depends upon the family member's retirement status.

Before retirement, the GHA will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.

Upon retirement, the GHA will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

After retirement, the GHA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

V. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part I.

The GHA must obtain verification for income exclusions only if, without verification, the GHA would not be able to determine whether the income is to be excluded. For example: If a family's 16 year old has a job at a fast food restaurant, the GHA will confirm that GHA records verify the child's age but will not send a verification request to the restaurant. However, if a family claims the earned income disallowance for a source of income, both the source and the income must be verified.

GHA Policy

The GHA will reconcile differences in amounts reported by the third party and the family only when the excluded amount is used to calculate the family share (as is the case with

the earned income disallowance). In all other cases, the GHA will report the amount to be excluded as indicated on documents provided by the family.

W. ZERO INCOME STATUS

Families claiming to have no annual income will be required to execute verification forms and GHA executes an EIV search to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

PART IV. VERIFYING MANDATORY DEDUCTIONS

X. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that the GHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 for a full discussion of this deduction. The GHA will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse, or co-head of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student

Elderly/Disabled Family Deduction

See Eligibility chapter for a definition of elderly and disabled families and Chapter 6 for a discussion of the deduction. The GHA will verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

Y. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in chapter 6. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

GHA Policy

The GHA will provide a third-party verification form directly to the medical provider requesting the needed information.

Medical expenses will be verified through:

EIV

Written Third-party verification form signed by the provider, or provided by the family, such as pharmacy printouts or receipts, when possible.

If third party is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source will be used. In this case the GHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The GHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months.

In addition, the GHA must verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.
- Costs incurred in past years are counted only once.

Eligible Household

The medical expense deduction is permitted only for households in which the head, spouse, or co-head is at least 62, or a person with disabilities. The GHA will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter and as described in Chapter 7 of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 for the GHA's policy on what counts as a medical expense.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

GHA Policy

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

Expenses Incurred in Past Years

GHA Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, the GHA will verify:

The anticipated repayment schedule

The amounts paid in the past, and

Whether the amounts to be repaid have been deducted from the family's annual income in past years

Z. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

Attendant Care

GHA Policy

The GHA will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

Third-party verification form signed by the provider, when possible

If third-party is not possible, copies of cancelled checks used to make attendant care payments and/or receipts from care source

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months

Auxiliary Apparatus

GHA Policy

Expenses for auxiliary apparatus will be verified through:

Third-party verification of anticipated purchase costs of auxiliary apparatus

If third-party is not possible, billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months

If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months

In addition, the GHA must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described above).
- The expense permits a family member, or members, to work.
- The expense is not reimbursed from another source.

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- The expense does not exceed the amount of the earned income of the individual freed for work.

Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The GHA will verify that the expense is incurred for a person with disabilities.

Family Member(s) Permitted to Work

The GHA must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

GHA Policy

The GHA will seek third-party verification from a Rehabilitation Agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.). This documentation may be provided by the family.

If third-party and document review verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

GHA Policy

An attendant care provider will be asked to certify that, to the best of the provider's knowledge, the expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

AA. CHILD CARE EXPENSES

Policies related to childcare expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I of this chapter. In addition, the GHA must verify that:

- The child is eligible for care.

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- The costs claimed are not reimbursed.
 - The costs enable a family member to pursue an eligible activity.
 - The costs are for an allowable type of childcare.
 - The costs are reasonable if seeking employment or furthering education.

Eligible Child

To be eligible for the childcare deduction, the costs must be incurred for the care of a child under the age of 13. The GHA will verify that the child being cared for (including foster children) is under the age of 13.

Unreimbursed Expense

To be eligible for the childcare deduction, the costs must not be reimbursed by another source.

GHA Policy

The childcare provider will be asked to certify that, to the best of the provider's knowledge, the childcare expenses are not paid by or reimbursed to the family from any source.

The family will be required to certify that the childcare expenses are not paid by or reimbursed to the family from any source.

Pursuing an Eligible Activity

The GHA must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

GHA Policy

Information to be Gathered

The GHA will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible the GHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the GHA will request verification from the agency of the member's job seeking efforts to date and require the family to submit to the GHA any reports provided to the other agency.

In the event third-party verification is not available, the GHA will provide the family with a form on which the family member must record job search efforts. The GHA will review this information at each subsequent reexamination for which this deduction is claimed.

Furthering Education

The GHA will ask that the academic or vocational educational institution verify that the person permitted to further his or her education by the childcare is enrolled and provide information about the timing of classes for which the person is registered.

Gainful Employment

The GHA will seek verification from the employer of the work schedule of the person who is permitted to work by the childcare. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified.

Allowable Type of Child Care

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

GHA Policy

The GHA will verify that the type of childcare selected by the family is allowable, as described in Chapter 6.

The GHA will verify that the fees paid to the childcare provider cover only childcare costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

The GHA will verify the childcare provider is not a family member residing in the household. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Child Care Expense Verification Information/Form

The form to be completed by the childcare provider that will be used to verify childcare expense will include:

- The name of the care provider;
- The address of the care provider;
- The telephone number of the care provider;

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- The Social Security number or EIN of the care provider;
 - The names and ages of the children for whom care is being provided;
 - The hours of care provided for each child for each day of the week;
 - The amount actually paid by the family;
 - The amount reimbursed from other sources for the child care expenses

Reasonableness of Expenses

Only reasonable childcare costs can be deducted for seeking employment or furthering education.

GHA Policy

The actual costs the family incurs will be compared with the GHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable. GHA will use local welfare agency guidelines.

If the family presents a justification for costs that exceed typical costs in the area, the GHA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

The GHA shall use the local HHS determinations as the limit on what is reasonable for the area.

Chapter 8

TRANSFER POLICY

INTRODUCTION/GENERAL TRANSFER POLICY

The PHA may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation.

Transfers will be made without regard to protective class.

Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfers.

It is the policy of GHA to permit a resident to transfer under certain conditions and to fulfill operational or regulatory requirements.

Except in emergency situations and transfers due to a Reasonable Accommodation, *property management may deny transfers when the family is not in good standing with GHA due to serious or repeated lease violations.* This may include non-payment of rent, housekeeping, history of disturbances, not current or fulfilling community service requirements, destruction property or currently undergoing eviction proceedings.

It is the policy of the GHA not to grant a unit transfer simply to accommodate neighbors who "cannot get along." Activities of the neighbors that impede the rights of others to the peaceful enjoyment of their unit will be treated as a lease violation and cause for termination of tenancy.

For purposes of this transfer policy the "sending development" refers to the unit the family is leaving and the "receiving development" refers to the unit to which the family is transferring.

Security Deposits and Move Out Charges

1. GHA will charge the families for any damages to the previous unit.
2. Security deposits will be transferred from the sending development to the receiving development. Refer to Security Deposit Chapter for additional details.
3. Move-out charges will be posted to the new unit. The office of the receiving development is responsible for collecting any maintenance charges due GHA.

A. TYPES OF TRANSFERS

The order in which families are transferred shall be subject to the hierarchy by category set forth below.

Category 1: Emergency Transfers are **mandatory** when GHA determines that conditions pose an **immediate threat to resident life, health or safety.**

The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family:

- Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak, toxic contamination, serious water leaks, etc.
- When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at GHA's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, a hate crime or domestic violence, dating violence, sexual assault or stalking.

GHA will authorize an emergency transfer for a participant family when the resident's unit has been damaged by fire, flood, or other cause to such degree that the unit is not habitable, provided that the damage was not the result of an intentional act on part of the resident, resident's family, or guests of the resident.

These transfers shall take priority over new admissions.

Category 2 Administrative transfers include **mandatory** transfers to:

- alleviate verified **medical** problems of a serious (but not life-threatening) nature;
- when a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first floor unit for a person with mobility impairment, or a transfer to a unit with accessible features.
- permit a family that requires a unit with **accessible** features to occupy such a unit.
- remove residents who are **witnesses** to crimes and may face reprisals;
- provide housing options to residents who are **victims** of hate crimes or extreme harassment; or
- permit **modernization, demolition, or disposition** of units;

Transfers required by GHA are mandatory for the tenant. These transfers shall take priority over new admissions.

Requests for these transfers will be made to the GHA with necessary documentation to substantiate the need for such transfers. Transfers may also be initiated by GHA (e.g. moving a person with mobility problems to a unit with accessible features).

When a family is initially given an accessible unit, but does not require the accessible features, the PHA may require the family to agree to move to a non-accessible unit when it becomes available [24 CFR 8.27(b)].

A transfer that is required by the PHA is an adverse action, and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

Category 3 Administrative transfers include **mandatory transfers** to correct **serious** occupancy standards problems.

These transfers may take priority over new admissions.

Category 3 transfers will only be made if the family size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age 3 would equal more than two persons per bedroom.

If a family's size is between the smallest and largest size permissible for the unit, the family may request a transfer, but it shall be considered a Category 4 transfer.

Category 3 or 4 transfers to correct occupancy standards may be recommended at time of annual re-examination or an interim redetermination.

When a head of a household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a Category 3 transfer until the child is five (5) years of age. Exceptions: spouse or partner returns to the unit, marriage takes place, or family decides to remain in the unit and the unit is large enough (using the smallest-unit standard) to accommodate the number of persons now in the household.

Category 4 Administrative transfers may be made to correct **occupancy standards**.

These transfers will not take priority over new admissions.

They will be processed at a rate that does not impose an administrative or maintenance burden on GHA.

Category 5, Incentive Transfers:

Incentive Transfers: Incentive Transfers will be offered to residents without regard to being in a protective class.

Incentive transfer to NEWLY MODERNIZED UNITS or SCATTERED SITES:

- a. Depending on GHA's vacant unit status, modernized units will be filled with incentive transfers, new applicants, or a combination of both. GHA reserves the right to fill modernization units in a manner that has the least impact on vacant units.
- b. Prior to newly modernized units be completed, residents may be notified of the opportunity to request a transfer to the specified units. Property Managers may also recommend a resident for this incentive transfer.
- c. In order to be considered for an incentive transfer to a modernized unit the following conditions must be met for the **past three years**:
 - i. Residency in a GHA development.
 - ii. Do not owe back rent or other charges, or evidence a pattern of late payment;
 - iii. No delinquent repayment agreement or delinquent charges.
 - iv. No history of disturbances that resulted in lease violations or violence toward staff or neighbors as indicated by notices of lease violations in the applicant's file. This includes criminal activity that threatens the health and safety of residents and staff;
 - v. Good housekeeping record, including no housekeeping lease violations.
 - vi. Can get utilities turned on in the name of the head of household (applicable only to those select properties with tenant-paid utilities).
- d. There will be no exceptions granted to these conditions.

B. TRANSFER WAITLIST MANAGEMENT

A staff person will be designated as the Transfer List Coordinator. This person will be responsible for maintaining the centralized Transfer Wait List, communicating with Property Management, Eligibility and Maintenance, initiating the offer process and assuring all of the necessary documentation is completed.

Emergency transfers will not automatically go on the transfer list. Instead, emergency transfers will be handled immediately, on a case-by-case basis. If the emergency will not be finally resolved by a temporary accommodation, and the resident requires a permanent transfer, that transfer will be placed at the top of the transfer list. Not all requests for emergency transfer will be approved.

1. In certain circumstances, transfers will be considered first before referral for the waiting list. However, due consideration shall be given to the number of vacant units prior to any transfer.
2. If for any reason the number of vacancies is significant to the extent that the transfers would place the Authority in a position of operational instability, restrictions such as a three to one (3:1) ratio of new move-ins from the waiting list to transfer from within will be imposed to maintain financial stability of the program and operations (97-98% lease-up to be used as a guideline).
3. The nature of transfers will also be considered even under these restrictions, as it is recognized that certain life endangering conditions, as may be cause for transfer cannot be restricted by operational objectives.
4. Property Managers are responsible for submitting transfer requests including necessary documentation, to the Transfer List Coordinator.

Transfers will be sorted into their appropriate categories by GHA. Admissions will be made in the following order:

- **Category 1**-Emergency Transfers (*immediate threat to resident life, health or safety*), then **Category 2**-Administrative Transfers, (*i.e. medical, reasonable accommodations, crime related or modernization*), then
 - **Category 3**-Administrative Transfers, (*i.e. serious occupancy std. problems*), then
 - **Category 4**-Administrative Transfers (*i.e. deconcentration, occupancy standards or peaceful enjoyment*), then
 - **Category 5** – Incentive Transfers
5. Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received by GHA.
 6. With the approval of the CEO or designee, GHA may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis.
 7. Demolition and renovation transfers will gain the highest priority as necessary to allow GHA to meet the demolition or renovation schedule.
 8. When an accessible unit becomes available, priority will be given to residents needing and awaiting transfer to such unit, over housing applicants.

C. TRANSFER REQUEST AND APPROVAL PROCEDURE

1. Residents applying for a transfer will submit a **Transfer Request Form** to their Property Manager stating the reason a transfer is being requested. Forms will not be

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- accepted for possible future events such as birth of a child or may get a live-in aide. The Transfer Request Form will also be used to document requests initiated by the GHA (i.e.: to correct occupancy standard problem at reexams/interims). The request must be completed and signed and dated by the head of household.
2. Upon receipt, the property manager will date stamp and evaluate the request and obtain the proper verification to determine if a transfer is justified. The property manager will also verify all of the criteria under the “good record requirement”.

If the interview/verification process reveals that there is a problem at the family's present site, the manager will address the problem and once solved to the manager's satisfaction, the request for transfer may be approved.

If the request is denied, the Transfer List Coordinator will send the family a Transfer List Notification stating the reason for denial, and offering the family an opportunity for an informal conference if they disagree with the decision.
 3. All preliminary approved transfer requests must be forwarded to the Transfer List Coordinator within 2 business days with the appropriate documentation attached. This will assure proper placement on the wait list and timely review by the Transfer List Coordinator.
 4. GHA will respond within 30 days of the submission of the family's request.
 5. If the request is approved, the Transfer List Coordinator will send the family a Transfer List Notification stating that their name has been placed on the transfer list for the reason and/or bedroom size needed.
 6. If the request is denied, the Transfer List Coordinator will send the family a Transfer List Notification stating the reason for denial, and the family will be informed of its grievance rights.
 7. The respective Property Manager will receive copies of all transfer correspondence sent to the family.
 8. The approved transfer request form/file will be kept in a file arranged by bedroom size, category, and date the file/verifications were completed.

D. GOOD RECORD REQUIREMENT FOR TRANSFERS

Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, GHA may establish other standards for considering a transfer request.

1. Except where a reasonable accommodation is being requested, in general, and in all cases of all **resident-requested transfers**, residents will be considered for transfers only if the head of household and any other family members for the past two years;
 - Have not engaged in criminal activity that threatens the health and safety of

-
- residents and staff;
- Do not owe back rent or other charges, or evidence a pattern of late payment;
 - No delinquent repayment agreement or delinquent charges;
 - Has fulfilled and is currently meet the community service requirements;
 - Meet reasonable housekeeping standards and have no housekeeping lease violations.
 - No pending eviction.
 - Can get utilities turned on in the name of the head of household (applicable only to those select properties with tenant-paid utilities).
2. Due to a possible long time period between the date of the transfer request and actual unit offer, the good record requirement will be reviewed both from the date of the transfer request and again at the time of the unit offer.
3. Exceptions to the good record requirements may be made for emergency transfers or when it is to GHA's advantage to make the transfer. The CEO or designee taking into account the recommendation of the Manager will make the exception to the good record requirement.

Absent a determination of exception, the following policy also applies to transfers:

- If back rent is owed, the resident will not be transferred until a payment plan is established or, if prior payment plans have failed, back rent is paid in full.
- A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection.

E. WAITLIST MAINTENANCE AND OFFER PROCESS

Prior to an offer being made, an inspection of the tenant's current unit will be conducted to assure no lease violations exist, especially damage to the unit or poor housekeeping. The transfer may be denied based upon this inspection if serious violations exist, except in the cases of an emergency transfer, the need for a reasonable accommodation or GHA mandated. The CEO or designee must approve exceptions.

The receiving development may request the resident's file for review, prior to making a decision on the requested transfer.

ACCEPTING AN OFFER

- A. The Transfer List Coordinator will contact the receiving property manager regarding the unit available for transfer. The Property Manager will contact the resident and schedule an appointment for showing the unit. **The appointment should be scheduled within two (2)**

working days.

- B. The Resident will be given **24 hours to accept the unit after the appointment.**
- C. The time frame between the **“appointment to show the unit” and “lease-up”** should be as short as possible, and keys for the former unit should be returned **within 72 hours of signing the new lease.**
- D. Efforts will be made to schedule the transfer over a weekend when possible, or to show the resident the unit when it becomes vacant (will allow more time to prepare for the move).
- Example: Wednesday/Thursday – Appointment – Resident accepts the unit.
Friday – Resident signs lease for new unit and are given keys.
Monday – Keys for former unit returned and inspection completed.
1. If over 72 hours, the situation must be discussed with the CEO or designee for an extension. If approved, the extension and reason must be documented.
 2. If not approved, the appropriate information must be documented and the proper action on the Transfer Wait List will be taken (see Refusing an Offer).
- E. **All personal belongings must be removed from the unit**, the unit must be “broom swept” clean, and keys returned at the end the of 72-hour period, otherwise, charges may be assessed.

REFUSING AN OFFER

If a family is on the transfer list and refuses an offered unit, they will be removed from the transfer list unless GHA determines that the refusal was made for good cause. If so, the family will be allowed to remain in their unit and will remain on the transfer list until another unit is offered. All offers will be documented and reason for refusal will be documented. If the family refuses a second offer, their name will be removed from the Transfer Wait List.

Only one unit will be offered to a family unless there is good cause or a hardship situation as determined by the PHA. If the resident refuses the offered unit, the lease may be terminated by the GHA by giving a 30-day notice to the resident.

Good cause may be any of the following reasons:

- The new unit is more than 5 miles from the place of employment of at least one member of the family.
- The new unit is more than 5 miles from the school or job training program that at least one adult member of the family is attending.
- Travel to the doctor from the new unit would create a hardship for an elderly or disabled person.
- Or as determined by the CEO or designee.

The inconvenience or undesirability of changing schools for any minor child will not be

considered good cause, but the transfer can be delayed until the end of the school year. The unit will not be held and a new unit offer will be provided at the end of the school year.

Mere inconvenience in traveling to employment, health provider, children's schooling or the like is not an undue hardship. To constitute undue hardship the employment, benefits or programs or comparable programs must be completely inaccessible. Moreover, an applicant's desire to live within a certain part of town or near family members or desire not to relocate children to another school does not qualify as an undue hardship.

GHA will require documentation of good cause for unit refusals within a specific timeframe stipulated by GHA. Failure to provide such documentation within the required timeframe will constitute refusal without good cause.

Residents with disabilities have the right to request a Reasonable Accommodation regarding the transfer process.

F. PROCESSING IN AND OUT OF DEVELOPMENTS (If Applicable)

A transfer will require good coordination and communication between the receiving and sending developments. Both sending and receiving developments involved must have a definite agreement as to when the receiving development will "transfer" the resident.

A transfer between developments will not be considered a move-out.

- There will be no lapsed time between move-out and move-in. Effective dates must not overlap nor will both developments carry the resident on their books at the same time.
- The resident's records will show a continuous residence in public housing in one development or the other, but not in both developments at the same time.

The transferred resident, between public housing developments, does not have to meet the admission eligibility requirements pertaining to income or preference.

Rent Adjustments

GHA will notify the resident of the rent. The rent will be pro-rated as outlined in the Lease Agreement.

Reexamination Date

The date of the transfer may change the reexamination date. The receiving development should be certain that the annual review is properly scheduled to give the staff time to redetermine rent in order to meet the established reexamination date. If the reexamination is in process, the receiving development will assume responsibility for completion.

The sending development will send the family's file to the receiving development once they have been notified that the family has accepted the unit and before the family is leased up. The

receiving development will not attempt to lease up a family without possession of the family's file.

G. GRIEVANCE RIGHTS

Families disagreeing with the determination may grieve the decision. See Chapter 13, Complaints, Grievances and Appeals.

H. EXTRAORDINARY CIRCUMSTANCES

Placement on Section 8 Waiting List: Current residents of Public Housing who must be relocated from a unit, due to documented health and safety issues, as well as modernization activities, or other special circumstances as approved by the CEO or designee, where no suitable unit is available within the next thirty (30) days within the GHA inventory. Preference is given regardless of the status of the waiting list (open or closed). All applicants qualifying for this preference must be placed on the waiting list and their eligibility properly documented.

I. COST OF TRANSFERS

Residents shall bear the cost of transfers to correct occupancy standards, resident requested transfers, incentive transfers, and other voluntary transfers.

GHA will bear the reasonable cost of transfers GHA requests for demolition, disposition, rehabilitation, building system failures, or emergency conditions due to no fault of the tenant. GHA will bear the reasonable cost of transfers needed as a reasonable accommodation for residents with disabilities. The reasonable cost of transfers includes not just the cost of packing, moving, and unloading, but also the cost of connecting and reconnecting any existing resident-paid services such as telephone and cable. [Public Housing Occupancy Guidebook Chapter 11.7; page 150]

The PHA must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability (Notice PIH 2006-13).

Chapter 9

LEASING

[25 CFR 5, Subpart G; 24 CFR 966.4, Subpart A]

INTRODUCTION

It is GHA's policy that all units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations [24 CFR Part 966]. This Chapter describes pre-leasing activities and the GHA's policies pertaining to lease execution, security deposits, other charges, and additions to the lease.

Public housing leases are the basis of the legal relationship between the PHA and the tenant. All units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations.

HUD rules also require the PHA to inspect each dwelling unit prior to move-in, at move-out and annually during occupancy. In addition, the PHA may require additional inspections in accordance with PHA policy.

GENERAL LEASING POLICY

General Terms

1. All units must be occupied pursuant to a lease that complies with HUD's regulations, and applicable state and local laws and codes.
2. No lease will have an effective date before the unit is ready for occupancy¹.
3. The lease shall be signed by the head, spouse and by the authorized representative of GHA, prior to actual admission.²
4. If a resident transfers from one GHA unit to another, a new lease will be executed for the dwelling into which the family moves.
5. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:
 - (a) A new lease agreement will be executed, or
 - (b) A Notice of Rent Adjustment will be executed, or
 - (c) An appropriate rider will be prepared and made a part of the existing lease. All copies of such riders or insertions are to be dated and signed by the Resident and by the authorized representative of GHA.

A. LEASE ORIENTATION

Heads of Household and co-head/spouse are required to attend a New Resident Orientation session prior to move in and lease signing. Failure to attend the Orientation may be grounds for denial of assistance.

The purpose of the Orientation will be to familiarize all new residents with rules, regulations, policies, and procedures pertinent to successful occupancy in GHA's public housing program. The Lease, House Rules, maintenance policies, housekeeping, Community Service requirement and Earned Income Disallowance (public housing only) will be among the topics reviewed at Orientation.

An orientation meeting may be rescheduled in order to provide a reasonable accommodation for a verified disability upon request or if the applicant has an emergency that is supported by written documentation presented to GHA.

At the time of lease signing, the family will be provided with copies of the:

- Lease
- Grievance Policy and Procedures
- House Rules
- Community Service Requirements and Policy
- Pet Policy
- Other GHA Lease Addendums
- Tenant handbook

Topics to be discussed will include, but are not limited to:

- Applicable deposits and other charges
- Provisions of the Lease
- Unit maintenance and work orders
- Terms of occupancy and other reporting requirements
- Community Service Requirements
- Pet Policy
- Orientation video
- Lead-base paint provisions
- HUD Form HUD-92006
- Family Choice of Rent
- VAWA Protections
- GHA Fraud Program and EIV
- Zero Tolerance Policy

Form HUD-92006, Supplement to Application for Federally Assisted Housing

Form HUD-92006 must be included as an attachment to the GHA's application.

Prior to execution of the lease, the following must be discussed:

1. Applicants must be provided the opportunity to complete the information on form HUD-92006, Supplement to Application for Federally Assisted Housing. The form gives applicants the option to identify an individual or organization that the GHA may contact and the reason(s) the individual or organization may be contacted. The applicants, if they choose to provide the additional contact information, must sign and date the form.
2. Applicants who are currently on the GHA's waiting list and who have not been provided the opportunity to complete form HUD-92006, Supplement to Application for Federally Assisted Housing, must be provided the opportunity at the time of admission.
3. GHA **cannot** require any individual or family applying for occupancy to provide the contact information as providing contact information is optional on the part of the individual or family. Those applicants who choose not to provide the contact information should check the box indicating that they "choose not to provide the contact information" and sign and date the form.
4. GHA should provide applicants the opportunity at time of admission to update, remove or change contact information provided at the time of application, particularly if a long period of time has elapsed between the time of application and actual admission to the program.
5. If the applicant chooses to have more than one contact person or organization, the applicant must make clear to GHA the reason each person or organization may be contacted. The GHA should accommodate the applicant by allowing the applicant to complete a form HUD-92006 for each contact and indicating the reason the GHA may contact the individual or organization. For example, the applicant may choose to have a relative as a contact for emergency purposes and an advocacy organization for assistance for tenancy purposes.

B. LEASE REQUIREMENTS

The initial term of the lease will be for 12 months. The lease will renew automatically for 12-month terms with the following exception:

- GHA will not renew the lease if the family has violated the community service requirement (24 CFR 966.4).
- Because the community service requirements and other provisions that change in the regulations, the lease does not automatically renew for terms of 12 months, and an annual signing process is required.
- The lease further provides for termination and eviction at the end of any 12-month lease

term for non-compliance with the community service requirements at 24 CFR Part 960, Subpart F and Chapter 15 of this Admissions and Continued Occupancy Policy.

- Failure to comply with GHA or HUD requirements for continued eligibility with in termination.

C. EXECUTION OF LEASE

The lease shall be executed by the head of household, spouse, co-head and by an authorized representative of GHA, prior to admission and at time of transfer from one GHA unit to another.

The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

An appointment will be scheduled for the parties to execute the lease. One executed copy of the lease will be given to the tenant, and GHA will retain the original in the tenant's file. The lease is incorporated into this policy by reference. The lease document will reflect current GHA policies as well as applicable Federal, State and Local law.

The following provisions govern lease execution and amendments:

- A lease is executed at the time of admission for all new tenants.
- A new lease is executed at the time of the transfer of a tenant from one GHA unit to another (with no change in reexamination date).
- If, for any reason, any signer of the lease ceases to be a member of the household, the lease will be terminated and a new lease may be executed with the remaining members, so long as they meet the program requirements.
- Lease signers must be persons legally eligible to execute contracts.
- The names and date of birth of all household members are listed on the lease at initial occupancy and on the Personal Declaration each subsequent year. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit.
- Changes to tenant rents are made upon the preparation and execution of a "Notice of Rent Adjustment" by GHA, which becomes an attachment to the lease. Documentation will be included in the tenant file to support proper notice.
- Households that include a Live-In Attendant will contain file documentation that the Live-In Attendant is not a party to the lease and is not entitled to GHA assistance, with the exception of occupancy while serving as the attendant for the disabled or qualified family member.

GHA may modify its form of lease from time to time, giving tenants an opportunity to comment on proposed changes and advance notice of the implementation of any changes. A tenant's refusal to accept permissible and reasonable lease modifications, or those modifications required by HUD, is grounds for termination of tenancy.

The following circumstances will require the execution of a new lease:

- Resident transfer within or between development(s).
- Adoption and implementation of a new lease program/development wide.
- Change of HOH.

The following circumstances will require the execution of a Notice of Rent Change:

- A change in income;
- A change in household composition;
- A change in rent; or
- Any other change in the resident's status which results in the need for changing or amending any provision of the lease.

D. ADDITIONS TO THE LEASE

Only those persons listed on the most recent certification form and lease shall be permitted to occupy a dwelling unit³. The lease will be amended to reflect all changes in family composition. This includes situations in which a tenant is granted custody of a child or children not previously listed on the application or lease. All persons listed on the most recent certification form and the lease must use the unit as their sole residence.

Except for natural births to or adoptions by family members, or court awarded custody, any family seeking to add a new member must request approval in writing before the new member moves in.

When a resident requests approval to add a new person to the lease, GHA will conduct pre-admission screening of any proposed new adult member to determine whether the GHA will grant such approval. New household members must be approved by GHA, prior to the actual move-in by the proposed new member.

Also included in requested approval would be situations in which a person (often a relative) comes to the unit as a visitor but stayed on in the unit because the tenant needed support, for example, after a medical procedure⁴.

Following receipt of a family's request for approval, GHA will conduct a pre-admission screening, including the Criminal History Report, of the proposed new member. Only new members approved by GHA will be added to the household.

Children under the age at which juvenile justice records are available, or added through a formal custody award are still required to be added through a pre-admission screening process and the tenant still needs prior permission from GHA to add children other than those born to or adopted by family members. The exemption age specified in this paragraph is subject to change should the state modify its laws concerning the availability of police or court records for juvenile offenders.

Requests for the addition of a new member of the household must be approved by GHA, prior to the actual move-in by the proposed new member.

Following receipt of a family's request for approval, GHA will conduct a pre-admission screening, including but not limited to the Criminal History Report, of the proposed new member. Only new members approved by GHA will be added to the household.

Factors determining household additions:

1. Household additions subject to screening:
 - Resident plans to marry and requests to add the new spouse to the lease;
 - Resident is awarded custody of a child over the age for which juvenile justice records are available;
 - Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren).
 - A unit is occupied by a remaining family member(s) under age 18 (not an emancipated minor) and an adult who was not a member of the original household requests permission to take over as the head of household.
2. Factors determining household additions which are not subject to screening:
 - Children born to a family member or whom a family member legally adopts are exempt from the pre-screening process.
 - Children under the age below which Juvenile Justice records are made available, or added through a formal custody award or kinship care arrangement are still required to comply with the pre-admission screening process.
3. If a new household member is approved by GHA to reside in the unit, an interim adjustment is completed to reflect changes in household composition and income, allowances and deductions, if applicable. A Notice of Rent Change is completed by GHA and issued to the family.

If the new member of the household is an adult, s/he will be required to sign and date the following documents:

- Form HUD 9886
 - PHA Certification/Attachment I
 - GHA's One Strike You're Out/ Zero Tolerance Policy
 - Client Re-exam Worksheet
 - CSSR Certification
4. Residents who fail to notify GHA of additions to the household or who permit persons to join the household without undergoing screening are violating of the lease. Persons added without GHA approval will be considered unauthorized occupants and the entire household will be subject to eviction⁵.
 5. Family members 18 and over who move from the dwelling unit to establish new households shall be removed from the lease. The tenant must notify GHA of the move-

out within 10 days of its occurrence. An interim adjustment is completed by GHA to reflect changes in household composition and income, allowances and deductions, if applicable. A Notice of Rent Change is completed by GHA and issued to the family.

- These individuals may not be readmitted to the unit and must apply as a new applicant for placement on the waiting list.
6. GHA in making determinations under this paragraph will consider:
- Occupancy Standards to prevent overcrowding of a unit
 - Medical hardship or other extenuating circumstances

Visitors and Absence from the unit

1. Visitors may be permitted in a dwelling unit so long as they have no previous history of behavior on GHA premises that would be a lease violation. Refer to **Chapter 11** for details. Visitors remaining beyond the periods in this policy shall be considered unauthorized occupants and the lessee shall be guilty of a breach of the lease.
2. Roomers and lodgers shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease ⁶.
3. Residents will not be given permission to allow a former resident of GHA who has been evicted to occupy the unit for any period of time. Violation of this requirement is ground for termination of the lease.
4. Medical hardship, or other extenuating circumstances shall be considered by GHA in making determinations under this area. Temporary caretaker request must be provided by the resident and verified by a medical provider. The status must be updated every thirty (30) days. The GHA will review the request and verified reasons for the caretaker during an extended medical hardship. Approval of the caretaker to occupy the unit for a period beyond 2 weeks will require prior approval by the Property Manager.
5. Residents must advise GHA if they will be absent from the unit for more than **14 days**. Residents shall notify the manager, secure the unit and provide a means for GHA to contact the resident in an emergency. Failure to advise GHA of an extended absence is grounds for termination of the lease.
6. Visitors permitted by residents must be reported to the GHA within **72 hours** of their arrival or prior thereto. Visits exceeding **14 days** per year must be authorized by the GHA.
7. Written approval at the discretion of the manager, based on the circumstances, must be obtained for guest visits of more than **14 calendar days**. Visitors remaining beyond this period will be considered trespassers and the family head shall be guilty of breaching the lease.
8. Residents are responsible for the actions and conduct of their guests in accordance with the lease.

Absence from the Unit

GHA Policy

Absence means that no family member is residing in the unit. The family is required to report to the GHA if they will be absent for more than 30 days. Any family member absent for more than 60 consecutive days will be considered permanently absent, unless approved by the GHA.

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

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

Absence due to hospitalization or sickness of a family member will be verified and if it is determined that the family member will return home within 60 days, the family will not be considered permanently absent, provided the rent and utilities payable by the family continued to be paid. However if there is no chance of the family member returning to the home within 60 days, they will be considered permanently absent and assistance will be terminated if they are the sole-member of the household.

Absences longer than 30 days must be approved by the GHA in writing.

Absences longer than 60 days due to drug treatment or imprisonment will be permanently absent unless approved by the GHA.

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

If both parents are absent from the unit and a caretaker has been placed in the home by the courts or an approved placement agency such as Social Services, the caretaker will be considered a visitor for the first 30 days. The lease will be transferred to the caretaker if the court has awarded custody or legal guardianship to the caretaker by the end of the 30-day period. The caretaker will be allowed to remain in the unit as a visitor until the court makes a determination of custody. The income of the caretaker will be counted pending the final disposition of the custody award, except as required by HUD. All caretakers must meet HUD and GHA eligibility criteria.

If a resident includes a child or children that are temporarily absent due to placement in foster care, the GHA will determine from the appropriate agency when the children will be returned home. If the period is more than 180 days the children will be permanently removed from the lease and rent and unit size will be re-determined.

An adult child enlisted in military service that leaves the household will be considered permanently absent. Except as authorized by HUD requirements.

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

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

Any verification to residency by the GHA or resident will be documented in the file.

Abandonment of the Unit

If the family appears to have vacated the unit without giving proper notice, GHA will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, GHA will secure the unit immediately to prevent vandalism and other criminal activity.

For GHA to consider a unit abandoned, the following steps must have been taken:

1. The unit must be inspected for furniture, food, clothing and other household belongings.
2. GHA must check to see if there is any evidence of the existence of the subjective resident's intent to not return to the unit. Such evidence should come in the form of: (a) written notices from the resident; or (b) neighbors that may have witnessed the admission by the resident that he/she will not be returning; or (c) verbal admission by the resident that he/she will not be returning made to maintenance or management staff.
3. Verify with the utility company as to the voluntary termination of services by the resident.

After obtaining this information, a reasonable determination on whether the unit is actually abandoned should be made. Based on criterion stipulated herein, whether in combination, or any single item listed, should the Public Housing Manager make a reasonable determination that the unit has indeed been abandoned, the Public Housing Manager must post the required 48-hour abandonment notice and change the unit locks. If after 48-hours, the resident has not contacted the Public Housing Manager for entry into the unit, the Public Housing Manager will take possession of the unit.

GHA may remove and store any of the resident's property at the dwelling unit or the development when the resident moves out. GHA may sell any such property at a public or private sale (subject to any recorded security agreement or financing statement) after 30 days written notice of the time and place of sale has been sent to the resident at the dwelling unit's address or resident's forwarding address, if such forwarding address has been provided to GHA by the resident. A prior court hearing shall not be required for GHA to exercise its rights under this section. If GHA sells the property, the money received will first be used to pay for the cost of storage and the sale, and then charges owed by the resident, if any. If there is any money left, it will be sent to resident at resident's forwarding address. Nothing in this section shall limit GHA's right to immediately dispose of trash or other property of no value to GHA.

F. UTILITY SERVICES AND RESIDENT-OWNED APPLIANCES

Tenants responsible for direct payment of utilities must abide by any and all regulations of the

specific utility company, including regulations pertaining to advance payments of deposits. Failure to maintain utility services during tenancy is a lease violation and grounds for eviction.

If it is determined that any utility service is not on in a unit, the tenant will receive a 24-hour notice to correct will be posted. If the utilities are not restored in the 24-hour period, then a 5-Day Expedited Notice due to the Health and Safety lease violation will be issued. The tenant must provide documentation of proof of service within 24 hours and the unit will be inspected on the fifth day to assure utilities have been restored. If the utility service has not been restored at the time of inspection, the Property Manager will proceed with the eviction process. If utilities are restored after the first occurrence of a notice of no utilities, this will result in a conference agreement explaining consequences of subsequent violations. If the tenant violates the conditions again while in assisted housing, the second violation will result in an immediate 5-Day Expedited Notice due to Health and Safety.

The lease will designate the appliances provided by GHA (i.e.: stove and refrigerator). The tenant is responsible for proper hook-up, safety and maintenance of any appliances they may provide (i.e.: dryers). Residents are required to make sure all appliances are operable or they must be removed from the unit.

Excess Utility Charges

If the PHA charges the tenant for consumption of excess utilities, the lease must state the basis for the determination of such charges. The imposition of charges for consumption of excess utilities is permissible only if the charges are determined by an individual check meter servicing the leased unit or result from the use of major tenant-supplied appliances [24 CFR 966.4(b)(2)].

Schedules of special charges for utilities that are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and tenants on request [24 CFR 966.5].

The lease must provide that charges for excess utility consumption are not due and collectible until two weeks after the PHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the PHA grievance procedures. The PHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

GHA Policy

When applicable, families will be charged for excess utility usage according to GHA's current schedule posted at the Public Housing Management/Development Office. Notices of excess utility charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required

timeframe, GHA may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of excess utility charges is a violation of the lease and is grounds for eviction.

G. SECURITY DEPOSITS (Refer to Chapter 18 on Security Deposits)

See Chapter 18 (Security Deposits). For information on Pet Deposits, see Chapter 10 (Pet Policy).

H. RENT PAYMENTS

Families must pay the amount of the monthly rent determined by the PHA in accordance with HUD regulations and other requirements. The tenant rent is due and payable at the GHA-designated location on or before the 1st of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

The lease must specify the initial amount of the tenant rent at the beginning of the initial lease term, and the PHA must give written notice stating any change in the amount of tenant rent and when the change is effective.

If GHA does not receive payment by the close of business the 5th day of the month, a delinquent rent notice will be sent, and the resident will be assessed late fees.

If the resident is experiencing a hardship in the payment of the rent, the resident must provide written notification before the 5th day of the month and the notification must include an explanation of the circumstances that will delay the tenant's payment, and indicate the date on which full payment will be made. Only the CEO or designee may provide an extension.

Tenant must pay "retroactive rent." Retroactive rent is rent owed by Tenant, for example, when Tenant fails to provide adequate documentation, fails to report changes in income or family composition within GHA's time limit, or misrepresents income or family circumstances to GHA. Tenant must pay all retroactive rent in the same month it is posted to Tenant's rent account, unless an exception stated in the ACOP applies or GHA agrees to a payment plan. Tenant's failure to pay retroactive rent on time is considered to be "non-payment of rent" and GHA then has the right to terminate this Lease and obtain possession of the premises using all available legal remedies

I. FEES AND NONPAYMENT PENALTIES

If the tenant fails to make payment by the close of business on the 5th working day of the month, and GHA has not agreed to accept payment at a later date, a Delinquency Notice will be issued to the tenant with a 14-day notice period for failure to pay rent, demanding payment in full or the surrender of the premises.

If the tenant fails to make payment by the 5th day of the month, a **\$10.00** late fee will be charged. Full payment must be made with a money order.

If GHA has not agreed to accept payment at a later date, a Delinquency Notice will be issued for failure to pay rent.

The lease must provide that late payment fees are not due and collectible until two weeks after the PHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the PHA grievance procedures. The PHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

J. SCHEDULES OF SPECIAL CHARGES

Schedules of special charges for services, repairs, utilities and rules and regulations which are required to be incorporated into the lease by reference shall be publicly posted in a conspicuous manner in the project office, and they will be provided to applicants and tenants upon request.

Application of Money to Accounts

Unless specified otherwise by the applicable Lease, the money received from the resident is to be applied to her or his account in the following order:

- Rent Money:
 1. Delinquent rent
 2. Current rent
 3. Excess utilities
 4. Late fees
 5. Returned check fees
- Other Money:
 1. oldest Maintenance Charges; and
 2. current Maintenance Charges.

Partial payments for rent will not be accepted. No extensions or installment agreements for payment of monthly rent will be allowed.

K. MODIFICATIONS TO THE LEASE

GHA may modify its form of lease from time to time. GHA will give tenants an opportunity to comment on proposed changes 30 days in advance notice of the implementation of any changes. GHA will consider any comments before formally adopting the new lease. A tenant's refusal to accept permissible and reasonable lease modifications, or those modifications required by HUD, is grounds for termination of tenancy.

After proposed changes have been incorporated into the lease and approved by the Board of Commissioners, each family must be notified at least 60 days in advance of the effective date of the new lease or lease revision. A resident's refusal to accept permissible and reasonable lease modifications that are made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy [24 CFR 966.4(l)(2)(iii)(E)].

Schedules of special charges and rules and regulations are subject to modification or revision. Tenants will be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions, and they will be given an opportunity to present written comments. Comments will be taken into consideration before any proposed modifications or revisions become effective.

Any modifications of the lease must be accomplished by a written addendum to the lease and signed by both parties.

After the proposed revisions become effective, they will be posted in at least three (3) conspicuous places within each structure or building in which the affected dwelling units are located, as well as in a conspicuous place at the project office, if any, or if none, a similar central business location within the project [24 CFR 966.5].

L. CANCELLATION OF THE LEASE

Cancellation of the tenant's lease is to be in accordance with the provisions contained in the lease agreement, HUD regulations, state law, and as stated in this policy.

Tenant Damages and Maintenance Charges

When applicable, families will be charged for maintenance and/or damages according to GHA's current maintenance charge schedule. Any work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable).

Notices of maintenance and damage charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 14 calendar days after billing. Unless an installment agreement is entered into under the terms set forth below, the total balance of the maintenance charges is due in full. If the family requests a grievance hearing within the required timeframe, GHA may not take action for nonpayment of the charges until the conclusion of the grievance process.

If the resident requests to pay the maintenance charges incurred in installments within 30 days after receipt of the invoice for such charges, GHA at its discretion may agree to such an installment agreement under the following conditions;

- The total outstanding balance is \$100.00 or more.
- The total balance will be paid in weekly or monthly installments.
- The maximum length of the installment agreement is 24 months.
- The minimum payment amount must be at least \$100, and the entire balance must

- be paid in 24 months or less.
- Failure to pay the installment when due will result in termination of the lease; and
- GHA determines in its sole discretion that the resident does not have the financial ability to pay the full amount when due.

Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

Repeated failed inspections or damages to the unit beyond normal wear and tear may constitute serious or repeated lease violations.

Move-Out Charges

Residents will be held responsible for all damages to the unit and appliances incurred prior to the move-out inspection and acceptance of the unit keys by management. All damages, beyond normal wear and tear, will be charged to the resident's account at the time of move-out. The maintenance charge schedule in effect at the time of move-out will be utilized to price labor and materials.

Dispute Procedure for maintenance charges and move-out charges

Upon receipt of the invoice for maintenance/damage charges or move-out charges, the resident/former resident shall have 10 calendar days to submit in writing to the Property Managers (or to a Finance Department representative for move-outs) his/her dispute of said charges. Should the resident/former resident fail to dispute the charges within the time frame and manner set forth above, the charges shall be final. Should the resident dispute any maintenance/damage charges, the Property Manager will forward such dispute form to the Asset Management Director, who shall make the final decision as to whether such charges shall be approved or dismissed. Only currently housed tenants may invoke the grievance process.

M. INSPECTIONS OF PUBLIC HOUSING UNITS

Move In/Initial Inspections

GHA and the family will inspect the dwelling unit prior to occupancy of the unit in order to determine the condition of the unit and the condition of the appliances and equipment in the unit. A copy of the initial inspection, signed by GHA staff and the tenant, will be kept in the tenant file.

Tenants are required to be present for move-in inspections.

Move-Out Inspections

Housing management staff will perform a move-out inspection when the family vacates the unit, and will encourage the family to participate in the move-out inspection.

The purpose of this inspection is to determine necessary maintenance and whether there are

damages that exceed normal wear and tear. GHA will determine if there are tenant caused damages to the unit. Tenant caused damages may affect part or all of the family's security deposit.

GHA will provide to the tenant a statement of any charges to be made for maintenance and damage beyond the normal wear and tear.

The move-out inspection also assists GHA in determining the time and extent of the preparation and repairs necessary to make the unit ready for the next tenant.

Annual Inspections

GHA will inspect all units annually using HUD's Uniform Physical Conditions Standards (UPCS). Under the Public Housing Assessment System (PHAS), HUD's physical condition inspections do not relieve the PHA of this responsibility to inspect its units.

Residents who "fail" the inspection due to housekeeping or tenant-caused damages will be given 10 calendar days to correct noted items. Another inspection will be conducted.

Residents will be issued a copy of the inspection report with required corrections.

If necessary to bring the unit into UPCS compliance, needed repairs will be completed by GHA.

All inspections will include a check of all smoke alarms to ensure proper working order.

Inspection report will indicate whether required corrections are to be charged to the resident or covered by GHA.

Required corrections will be repaired by GHA within 25 days of the inspection date.

Damages beyond "normal wear and tear" will be billed to the tenant.

Residents who repeatedly "fail" the inspection or cause excessive damage to the unit will be considered in violation of their lease.

Quality Control Inspections

The housing management staff will conduct periodic quality control inspections to determine the condition of the unit and to identify problems or issues in which GHA can be of service to the family.

GHA staff will conduct quality control inspections on at least 5% of units or the mandatory minimum per the HUD protocol.

The purpose of these quality control inspections is to assure that the inspections were performed properly and repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame.

Special Inspections

Housing management staff may conduct a special inspection for emergency conditions, housekeeping, unit condition, or suspected lease violation.

HUD representatives, local government officials or GHA auditors may review GHA operations periodically and as a part of their monitoring may inspect a sampling of the GHA's inventory.

Other Inspections

The GHA inspector will periodically conduct windshield and/or walk-through inspections to determine whether there may be lease violations, adverse conditions or local code violations.

Pest Control Service

All units will be treated on a preventive basis according to an established schedule through a contracted pest control service. If GHA determines that additional treatments are required, residents will be notified in accordance with notification requirements.

Residents who refuse to allow entry for pest control service will be assessed a fee equal to the charge assessed by the pest control contractor to return to the unit and perform the service. If extra treatments are required in the unit for infestation due to housekeeping habits, the additional charges for such treatments will be assessed to the resident.

Housekeeping

GHA shall conduct housekeeping inspections upon notice from an inspector, maintenance or pest control technician or when it has reasonable belief that an issue exists.

Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation or cause damage to the unit are in violation of the Lease. In these instances, GHA will provide proper notice of a Lease violation and will place the residents on probationary status for a minimum of one year.

A re-inspection will be conducted within 30 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a reinspection is considered a violation of the Lease and may result in termination of tenancy.

Notices of Lease violation will also be issued to residents who purposely disengage the unit's smoke detector(s). Only one warning will be given. A second incidence will result in Lease termination.

Emergency Inspections

Housing management staff may initiate an emergency inspection without advance notice if there is reasonable cause to believe that an emergency exists in the unit or on a Public Housing site.

(See Entry of Premises Notice in this chapter.) Abatement of the emergency must be completed within 24 hours. If no adult household member is present at the time of an emergency entry, GHA will leave a written statement showing the date, time and purpose of the entry prior to leaving the dwelling unit.

The PHA is obligated to maintain dwelling units and the project in decent, safe and sanitary condition and to make necessary repairs to dwelling units [24 CFR 966.4(e)].

Emergency Repairs to be Completed in Less than 24 Hours

If the unit is damaged to the extent that conditions are created which are hazardous to the life, health or safety of the occupants, the tenant must immediately notify the PHA of the damage, and the PHA must make repairs within a reasonable time frame.

If a household member or guest caused the damage, the PHA must charge the family for the reasonable cost of repairs. The PHA may also take lease enforcement action against the family.

If the PHA cannot make repairs quickly, the PHA must offer the family standard alternative accommodations. If the PHA can neither repair the defect within a reasonable time frame nor offer alternative housing, rent shall be abated in proportion to the seriousness of the damage and loss in value as a dwelling. Rent shall not be abated if a household member or guest caused the damage, or if the resident rejects the alternative accommodations.

The following items are to be considered emergency in nature and require immediate (less than 24 hour) response:

1. Any condition that jeopardizes the security of the unit.
2. Fires – Call the Fire Department at 911 before contacting Maintenance.
3. Air conditioning and cooling problems for GHA provided appliances/equipment in the summer based on the current temperature.
4. Heating problems in winter based on the current temperature. (Must maintain at least 50 degrees over a 24 period)
5. Electrical failures (affecting more than just a lighting or outlet circuit)(due to no fault of the resident).
6. Gas leaks.
7. Plumbing stoppages affecting ALL toilets.
8. Breaks in main water lines and major water leaks.
9. Water leaks that may result in flooding or standing water.

Residents who disengage smoke detectors for convenience purposes will be cited and subject to charges and lease termination. (See "Housekeeping Citations" below)

Non-emergency Repairs

Residents must immediately call in all repairs. GHA will correct non-life threatening health and safety defects within 15 business days of the inspection date. If GHA is unable to make repairs within that period due to circumstances beyond GHA's control (e.g. required parts or services are not available, weather conditions, etc.). GHA will notify the family of an estimated date of completion.

The family must allow GHA access to the unit to make repairs.

Entry of Premises Notices

GHA will give prior written notice for non-emergency inspections. Non-emergency entries to the unit will be made during reasonable hours of the day.

GHA will provide the family with a written 48-hour notice prior to entering the unit for non-emergency reasons.

If GHA enters a unit, they will leave notice that they were in the unit and the reason.

Reasons GHA will enter the unit are:

- Inspections and audits
- To perform maintenance and make improvements and repairs
- To show the premises for leasing
- In cases of emergency

It is encouraged that an adult family member be present during the Annual Inspection, but it is not required.

Repairs requested by the family will not require prior notice to the family. Residents are notified in the lease that resident-requested repairs presume permission for the GHA to enter.

The family must allow GHA access to the unit to make repairs.

Non-Inspection Emergency Entry

GHA staff will allow access to the unit to proper authorities when issues of health or safety of the tenant are concerned.

Family Responsibility to Allow Inspection

GHA must be allowed to inspect the unit at reasonable times with reasonable notice. Forty-eight hour written notice will be considered reasonable in all cases, except emergencies.

GHA will reschedule the inspection no more than twice unless the resident has a verifiable medical reason, which has hindered the inspection. GHA may request verification.

If the resident refuses to allow the inspection, the resident will be in violation of the lease and GHA will notify the family of its intended action.

If the resident refuses to allow the inspection, the resident will be in violation of the lease.

Housekeeping Citations

Residents who "fail" an inspection due to housekeeping will be notified that housekeeping is substandard and a re-inspection will be conducted by housing management staff.

Citations will be issued to residents who purposely disengage the unit's smoke detector.

Repeated citations will be considered a violation of the lease.

Maintenance and Tenant Damages

If the PHA charges the tenant for maintenance and repair beyond normal wear and tear, the lease must state the basis for the determination of such charges [24 CFR 966.4(b)(2)].

Schedules of special charges for services and repairs that are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and tenants on request [24 CFR 966.5].

The lease must provide that charges for maintenance and repair beyond normal wear and tear are not due and collectible until two weeks after the PHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b)(4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the PHA grievance procedures. The PHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e)(8)].

Repeated failed inspections or damages to the unit beyond normal wear and tear may constitute serious or repeated lease violations.

"Beyond normal wear and tear" is defined as items, which could be charged against the tenant's security deposit under state law or court practice.

¹ 24 CFR§ 966.4 (i)

² 24 CFR § 966.4 (p)

³ 24 CFR § and 966.4(a)(1)(v)

⁴ 24 CFR § 966.4(f)(3) & (c)(2)

⁵ 24 CFR § 966.4(f).

⁶ 24 CFR § 966.4 (f)(2)

Chapter 10

PET POLICY

[24 CFR 5.309]

INTRODUCTION

PHA's have discretion in the development of policies pertaining to the keeping of pets in public housing units. This Chapter explains GHA's policies on the keeping of pets and any criteria or standards pertaining to the policy. The rules adopted are reasonably related to the legitimate interest of GHA to provide a decent, safe and sanitary living environment for all tenants, to protecting and preserving the physical condition of the property, and to preserve the financial interests of GHA.

The purpose of this policy is to establish GHA's policy and procedures for ownership of pets in elderly and disabled units as well as in family units, and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. GHA also establishes reasonable rules governing the keeping of common household pets.

Nothing in this policy or the dwelling lease limits or impairs the right of persons with disabilities to own animals that are considered a disability service animal.

In accordance with Section 526 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA), Goldsboro Housing Authority (GHA) hereby sets forth rules and regulations concerning pet ownership in its public housing units. Only "common household pets" as defined herein will be permitted in GHA owned properties.

A common household pet, for the purposes of GHA's conventional housing program: A domesticated animal, such as a dog, cat, bird, or fish that is traditionally kept in the home for pleasure rather than for commercial or breeding purposes. Common household pet does not include reptiles. This definition shall not include animals that are used to assist persons with disabilities when appropriate documentation is provided.

Each household may own up to two pets as defined in this policy, however only one, four-legged pet is permitted. If one of the pets is a dog or cat, the second pet must be contained in a cage or an aquarium for fish. Each bird or other animal, other than fish, shall be counted as one pet. In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 20 gallons. Such a tank or aquarium will be counted as one pet.

A. EXCLUSION FOR ANIMALS THAT ASSIST PERSONS WITH DISABILITIES

GHA's Pet Policy shall neither apply to animals that are used to assist persons with disabilities and their assistance animals, who visit GHA's developments and dwelling units. 24 CFR 5; 24 CFR 960.705. Residents with an animal that assists persons with disabilities must still comply with all other conditions of the lease, including but not limited to; maintaining property, fulfilling housekeeping and not disturbing other residents peaceful enjoyment of the property. GHA must grant this exclusion if the following is provided:

- The resident or prospective resident verifies that they are persons with disabilities by completing GHA's reasonable accommodation process;
- The animal has been trained to assist persons with the specific disability (example, guide dog); and
- The animal actually assists the person with a disability.

Companion Service Animal

Distinction is hereby given to "companion animals" and "service animals." If the animal does not have specific disability related training but is necessary in coping with the disability (for instance, if the animal provides emotional support to a person with a panic disorder), the animal is a "companion animal" not a "service animal."

A "service animal" means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. Service animals are equivalent to other "auxiliary aids" such as wheelchairs and eyeglasses, and as such must be permitted. 24 CFR 5.303; 28 CFR 36.104.

When an applicant or resident with a disability asserts and can verify that an animal is a companion or service animal for his/her disability, the applicant should make a request for a reasonable accommodation; specifically, to be allowed to keep the animal by completing GHA's reasonable accommodation process.

GHA will require verification that the applicant is a "qualified individual with handicaps" as defined by 24 CFR 8.3, and that the animal is necessary in coping or assisting with the disability.

Upon receipt of verifications, GHA review and approve or deny the animal.

Residents requiring more than one pet as either a "companion animal" or "service animal" must request the animal by completing GHA's reasonable accommodation process.

B. MANDATORY RULES FOR RESIDENTS WITH PETS

In accordance with 24 CFR 960.707, GHA hereby sets forth the following rules for pet ownership in its conventional housing units:

Registration

1. The Resident must request and receive written formal approval from the GHA prior to bringing the common household pet, (hereinafter referred to as "pet") on the premises. The pet request shall be made on the standard form "Pet Occupancy Request/Registration Form." **All** pets must be registered, even if a pet deposit is not required.
2. Residents registering pets that are not fully-grown at the execution of the initial Pet Addendum will be required to report back to the development office at the first year anniversary of the agreement in order that the pet be reverified that it meets the weight restrictions.

3. At the time of registration, Resident must provide information sufficient to identify the pet and to demonstrate that it is a common household pet.
4. The name, address, and phone number of one or more responsible parties who will care for the pet if the pet owner dies, is incapacitated, or is otherwise unable to care for the pet must be provided at the time of registration.
5. A Pet Policy Addendum must be completed and signed prior to the pet being allowed in the unit.
6. Pet fees and deposits will be collected at the time of move-in.
7. **There is a limit of one four-legged pet per household.**
8. **No visiting pets allowed.**

GHA Policy

The table below outlines the maximum allowable types of animals. The maximum allowable animals are still subject to the total allowable 4-legged animals per household. The chart is still subject to any additional pet provisions set forth in this policy.

Type of Animal	Maximum Total Allowable	Maximum Size Allowable in Lbs.
Dog	1	20
Cat	1	20
Bird	1	N/A
Aquarium	1	N/A
Rodent	1	N/A
Turtle	1	5
Rabbit	1	15

Dogs

- Must not weigh more than 20 pounds and stand no more than 20 inches in height from the front shoulder of the animal.
- Must adhere to the breed restrictions in this policy.
- Must be spayed or neutered, must be housebroken, must have all inoculations and must be licensed as specified now or in the future by State law or local ordinance.
- Doghouses located outside any dwelling unit are prohibited.

Cats

- The weight of a cat cannot exceed to twenty (20) pounds (fully-grown).
- The resident must provide waterproof and leak proof litter boxes for cat waste, which must be kept inside the dwelling unit. Litter boxes must be changed twice per week at a minimum. Cardboard boxes are not acceptable and will not be approved. The resident shall not permit refuse from litter boxes to accumulate, become odorous, to become unsightly, or unsanitary.
- Must be spayed or neutered, must be housebroken, must have all inoculations and must be licensed as specified now or in the future by State law or local ordinance

Dog/Cat—Spaying and Neutering

If the pet is a dog or cat, it must be spayed/neutered by six months of age. Evidence of spaying/neutering can be proved by a statement/bill from a licensed veterinarian and/or staff of the Humane Society or by means of the veterinarian certification provided for on the Pet Registration Form.

Birds

- Must be enclosed in a cage at all times.

Fish

If the pet is fish, the aquarium must be twenty gallons or less, and the container must be placed in a safe location in the unit. The resident is limited to one container for fish; however, there is no limit on the number of fish that can be maintained in the container as long as the container is maintained in a safe and non-hazardous manner.

Residents shall be responsible for any damage caused by leakage or spillage from the aquarium or fish bowl. The aquariums must be on a provable stand that is stable and cannot be easily pushed over.

Rodents (Guinea pig, hamster, or gerbil ONLY; mice are not allowed.)

- Must be enclosed in an acceptable cage at all times. Must have any or all inoculations as specified now or in the future by State law or local ordinance.

Turtles

- Must be enclosed in an acceptable aquarium/cage/bowl at all times.

Inoculations/Vaccinations

The pet(s) must have received rabies and distemper inoculations or boosters, as applicable. The resident shall provide the GHA with evidence of inoculations certified by a licensed veterinarian or a State or local authority empowered to inoculate animals (or designated agent of such an authority) stating that the pet has received all inoculations required by applicable State and local law. Said certification may be provided on the veterinarian's statement/bill or on the Pet Registration form.

Licensing

- Licensing of all dogs shall be required in accordance with applicable State and local law on an annual basis. The dog must always wear a license with owner's name, address and telephone number.
- In the event that applicable State or local law changes with reference to licensing of any and all pets, GHA will require its residents to comply upon appropriate notice.

Sanitary Conditions

The pet rules shall prescribe sanitary standards to govern the disposal of pet waste.

These rules are as follows:

- Resident shall be responsible for immediately disposing of all animal waste excreted inside the development building or on the development grounds.
- Pet waste may be disposed in designated areas for the development (pet waste stations or dumpsters).
- Waste must be placed in a plastic bag, tightly secured and deposited in a dumpster.
- Poorly disposed waste will not be tolerated and will be subject to a fee.
- Conditions outlined in Cats #2, above, pertaining to cat waste shall also prevail.

General Provisions

- All pets must be housed within the unit and no facilities can be constructed outside of the unit for any pet.
- Costs incurred by GHA for extermination of fleas, ticks, and other animal related pests, will be deducted from the pet security deposit after either the pet is removed or the resident vacates. Residents are encouraged to use flea bombs to get rid of fleas and other animal-related pests on an "as needed" basis.
- Pet(s) shall not disturb, interfere or diminish the peaceful enjoyment of other residents. The terms, "disturb, interfere or diminish" shall include but is not limited to: barking, meowing, crying, howling, chirping, biting, scratching and other like activities. This includes any pets that make noise continuously and/or incessantly for a period of 10 minutes or intermittently for one-half hour or more and therefore disturbs any person at

any time of the day or night. The GHA will terminate this authorization if a pet disturbs other residents under this section of the lease addendum. The resident will be given one week to make other arrangements for the care of the pet or the dwelling lease will be terminated.

- Each pet must be maintained responsibly and in accordance with this pet ownership lease addendum and in accordance with all applicable ordinances, state and local public health, animal control, and animal anti-cruelty laws and regulations governing pet ownership.
- The weight of all four-legged animals, shall follow section 10-A the pet policy.
- Pets may not be bred or used for any commercial purposes on GHA property.

C. CONTROL OF THE ANIMAL

- No animal shall be permitted to be loose and if the pet is taken outside it must be taken outside on a chain leash no longer than five (5') feet and kept off lawns designated to other residents. Retractable leashes are prohibited.
- All authorized pet(s) must be under the control of an adult leaseholder. An unleashed pet, or one tied to a fixed object, is not under the control of an adult. GHA staff will contact the local Humane Society or dog warden in the event pets are found to be unleashed, or leashed and unattended, on GHA property. It shall be the responsibility of the resident to reclaim the pet and at the expense of the resident.
- The resident pet owner shall have canine pets restrained so that maintenance can be performed in the dwelling unit. The resident shall whenever an inspection or maintenance is scheduled, either be at home or shall have all animals restrained or caged. Pets that are not caged or properly restrained may be impounded and reported to the local Humane Society for removal. It shall be the responsibility of the resident pet owner to reclaim the pet at the expense of the resident. The Housing Authority shall not be responsible if any animal escapes from the residence due to its maintenance, inspections, or other activities.

D. UNATTENDED ANIMALS

Pet(s) may not be left unattended for more than ten (10) consecutive hours. If it is reported to GHA staff that a pet has been left unattended for more than a ten (10) hour period, GHA staff may enter the unit and remove the pet and transfer the pet to the humane society. Any expense to remove and reclaim the pet from any facility will be the responsibility of the resident.

E. PROHIBITED PETS

1. GHA will forbid the following kinds of animals from being kept as pets on any of its properties: Pit bull, Rottweiler, German Shepherd, Chow, Doberman Pinscher or any species considered vicious, intimidating, or kept for the purpose of training for fighting or wagering of bets (i.e. roosters for "cockfighting", etc.). GHA forbids the

keeping of animals that have had their vocal cords cut, by a process commonly known as “debarking.”

2. Exotic pets or barnyard animals are prohibited. Exception may be certain species of pigs utilized as bonafide “service animals”. (Snakes and reptiles are considered exotic pets.)
3. Animals who would be allowed to produce offspring for sale.
4. Wild animals, feral animals, and any other animals that is unamenable to routine human handling.
5. Animals of species commonly used on farms.
6. Non-human primates.
7. Animals whose climatologically needs cannot be met in the unaltered environment of the individual dwelling unit.
8. Pot-bellied pigs.
9. Snakes, lizards, spiders, chickens.
10. The following restrictions apply to pets, based on weight, size and inherent dangerousness, including prohibitions against the keeping of:
 - Any animals whose weight could exceed 20 pounds by adulthood.
 - Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites and lacerations.
 - Hedgehogs or other animals whose protective instincts and natural body armor produce a risk to children of serious puncture injuries.
 - Chicks or other animals that pose a significant risk of salmonella infection to those who handle them.
 - Pigeons, doves, mynah birds, psittacoses birds, and birds of other species that are hosts to the organisms causing psittacosis in humans.
 - **Tenants must adhere to the restrictions on numbers and types of pets.**

F. PET POLICY VIOLATION PROCEDURES

GHA reserves the right to require residents to remove any pet from the premises whose conduct (noise, biting, breeding, etc.) or condition is duly determined to constitute a nuisance or a threat to the health or safety of the other occupants or pets of the development, neighbors, staff, or visitors. GHA reserves the right to remove such a pet in the event that the pet owner does not or cannot remove the pet.

Notice of Pet Policy Violation

If GHA determines on the basis of objective facts, supported by written statements, that a pet

owner has violated a rule governing the owning or keeping of pets:

GHA may serve a written notice of Pet Policy violation on the pet owner in accordance with the dwelling lease. The notice of pet rule violation must:

1. Contain a brief statement of the factual basis for the determination and the pet rule or rules alleged to be violated;
2. State that the pet owner has five (5) calendar days from the effective date of service of the notice to correct the violation (including, in appropriate circumstances, removal of the pet) or to make a written request for a meeting to discuss the violation;
3. State that the pet owner is entitled to be accompanied by another person of his or her choice at the meeting; and
4. State that the pet owner's failure to correct the violation, to request a meeting, or to appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

Pet Policy Violation Private Conference

If the pet owner makes a timely request for a private conference to discuss an alleged Pet Policy violation, GHA shall establish a mutually agreeable time and place for the private conference but no later than three (3) business days from the effective date of service of the notice of Pet Policy violation.

At the pet rule violation private conference, the pet owner and GHA representative shall discuss any alleged Pet Policy violation and attempt to correct it. GHA may, as a result of the meeting, give the pet owner additional time to correct the violation.

Notice for Pet Removal

If the pet owner and GHA are unable to resolve the Pet Policy violation at the pet rule violation private conference, or if a representative of GHA staff determines that the pet owner has failed to correct the Pet Policy violation within any additional time provided herein, the GHA may serve a written notice on the pet owner in accordance with Section of the Dwelling Lease or at the private conference, if appropriate, requiring the pet owner to remove the pet. The notice must:

1. Contain a brief statement of the factual basis for the determination and the Pet Policy or rules that have been violated;
2. State that the pet owner must remove the pet within five (5) calendar days of the effective date of service of the notice of pet removal (or the private conference, if notice is served at the private conference); and
3. State that failure to remove the pet may result in initiation of procedures to terminate the pet owner's tenancy.

Initiation of Procedures to Remove a Pet or Terminate the Pet Owner’s Tenancy

GHA may not initiate procedures to terminate a pet owner’s tenancy based on a Pet Policy violation, unless:

- The pet owner has failed to remove the pet or correct a pet rule violation within the applicable time period specified in this section (including any additional time permitted by the owner); and
- The Pet Policy violation is sufficient to begin procedures to terminate the pet owner’s tenancy under the terms of the lease and applicable regulations.
- If a pet is removed due to death or incapacity of the pet owner and to responsible parties are contacted and are unwilling or unable to remove the pet, or cannot be contacted; the pet will be removed and placed in a pet facility for a period not exceeding 30 days. The cost will be the responsibility of the pet owner and will be paid from the deposit.

G. SCHEDULE OF PET DEPOSITS

FEE AND DEPOSIT SCHEDULE

(A Pet Fee and Deposit is for any pet related charges)

Type of Pet	Deposit	Fees
Dog	\$250	\$5/month
Cat	\$250	\$5/month
Fish Aquarium	\$0	\$0/month
Fish Bowl (Requires no power and no larger than two gallons)	\$0	\$0/month
Birds	\$0	\$5/month
Caged Pets	\$40	\$5/month

Note: The above schedule is applicable for each pet; therefore, if a resident has more than one pet, if allowable under the Pet Policy, he or she must pay the applicable annual fee and deposit for each pet. Annual fees will be due each year on the anniversary date of signing the Pet Addendum. Monthly fees will be billed with the rent statements and shall be due according to the rent due schedule.

The entire fee (subject to the exception listed below) must be paid prior to the execution of the lease addendum. No pet shall be allowed in the unit prior to the completion of the terms of this pet policy.

The fee may be paid at the time of the pet approval, or a \$5.00 per month fee, and all proof of inoculations and other requirements shall be made available to the Housing Authority at such time. The pet fee is not reimbursable. The deposit made shall be utilized to offset damages caused by the pet and/or tenant. Any balance, if any, from the deposit will be refunded to the tenant. **There shall be no refund of the pet fee if applicable.**

It shall be a serious violation of the lease for any resident to have a pet without proper approval and without having complied with the terms of this policy. Such violation shall be considered to be a serious violation of the lease and this Addendum and the Housing Authority will issue a termination notice. The resident will be entitled to a grievance hearing in accordance with the provisions of the dwelling lease.

It is understood and agreed that GHA is not responsible for any damages caused by the pet including but not limited to: bites and scratches to residents, neighbors, visitors, staff, GHA contractors, and others who are lawfully on the GHA's premises or other pets or service animals.

Pet Deposits

GHA will allow no gradual payment of the deposit in accordance with the following:

- An initial payment of \$250 on or prior to the date the pet is properly registered and brought into the apartment, and;
- GHA reserves the right to change or increase the required deposit by amendment to these rules.
- GHA will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit.
- GHA will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.

GHA will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, GHA will provide a meeting to discuss the charges.

- All reasonable expenses incurred by GHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:
 - The cost of repairs and replacements to the resident's dwelling unit;
- Fumigation of the dwelling unit;
- Common areas of the project.

Pet Deposits are not a part of rent payable by the resident.

Any damage to the apartment, building, grounds, flooring, walls, trim, finishes, tiles, carpeting, or stains thereon, will be the full responsibility of the resident and the resident agrees to pay any costs involved in restoring the apartment to its original condition.

If GHA finds a residual odor problem left in the apartment, the resident agrees to pay for the cost of any and all materials or chemicals needed to repair to remove the odor. If odor removal fails, the resident agrees to pay for replacement of carpeting, padding, wallboard, baseboard, etc., as is deemed necessary. The resident also agrees to abide by management's decision as to what is necessary.

It shall be a serious violation of the lease for any resident to have a pet without proper approval and without having complied with the terms of this policy. Such violation shall be considered to be a violation of the lease (a serious violation) and the GHA will issue a termination notice in accordance with of the dwelling lease. The resident pet owner will be entitled to a grievance hearing in accordance with the provisions of the dwelling lease.

I. FORMS

PET POLICY ADDENDUM

Goldsboro Housing Authority

This Addendum is being executed in Accordance with the terms of the Dwelling Lease.

Section I. Pet Ownership

A resident may own one or more common household pets or have one or more common household pets present in the dwelling unit of such resident, subject to the following conditions:

1. Each family may own up to the limit of pets under the GHA policy. GHA shall only allow one 4 legged pet per household.
2. If the pet is a dog or cat, it must be neutered/spayed by the age of six (6) months. The evidence can be provided by a statement/bill from a veterinarian, certified on GHA Form #78, and/or staff of the local humane society. Evidence must be provided prior to the execution of this agreement and/or within 10 days of the pet becoming of the age to be neutered/spayed or declawed. Resident must provide waterproof and leak proof litter boxes for cat waste, which must be kept inside the dwelling unit. Cardboard boxes are not acceptable and will not be approved. The Resident shall not permit refuse from litter boxes to accumulate nor to become unsightly or unsanitary. Also, the weight of a cat cannot exceed twenty (20) pounds (fully grown) and a dog may not exceed the limit of the policy in weight (fully-grown).
3. If the pet is a bird, it shall be housed in a birdcage and cannot be let out of the cage at any time.
4. If the pet is a fish, the aquarium must be twenty (20) gallons or less, and the container must be placed in a safe location in the unit. The Resident is limited to one container for the fish; however, there is no limit on the number of fish that can be maintained in the container as long as the container is maintained in a safe and non-hazardous manner.
5. If the pet is a cat or dog, it must have received rabies and distemper inoculations or boosters, as applicable. Evidence of inoculations can be provided by a statement/bill from veterinarian, certified on GHA Form #78, or by staff of the Humane Society and must be provided before the execution of the Pet Policy Addendum.
6. All pets must be housed within the unit and no facilities can be constructed outside of the unit for any pet. No animal shall be permitted to be loose and if the pet is taken outside it must be taken outside on a leash and kept off other Resident's lawns. Also, all pets must wear collars with identification and license at all times. Pets without a collar will be picked-up immediately by the Humane Society, county dog warden, or other appropriate agency.
7. All pet(s) must be under the control of an adult leaseholder. An unleashed pet, or one tied to a fixed object, is not considered to be under the control of an adult leaseholder. Pets, which are unleashed, or leashed and unattended, on housing authority property, may be impounded and reported to the local Humane Society, dog warden or other appropriate

agency for pick-up. It shall be the responsibility of the Resident to reclaim the pet at the expense of the Resident.

8. Pet(s) may not be left unattended for more than ten (10) consecutive hours. If it is reported to GHA staff that a pet(s) has been left unattended for more than an eight (10) consecutive hour period, GHA staff may enter the unit with the humane society, dog warden or other appropriate agency to pick-up the animal. Any expense to remove and reclaim the pet from any facility will be the responsibility of the Resident. In the case of an emergency, GHA will work with the resident to allow no more than 24 hours for the resident to make accommodations for the pet.
9. Pet(s), as applicable, must be weighed by a veterinarian or staff of the Humane Society. A statement containing the weight of the pet must be provided to GHA prior to the execution of this agreement and upon request by the GHA at any time following the inception of the Pet Policy Addendum.
10. Responsible Pet Ownership: Each pet must be maintained responsibly and in accordance with this pet ownership lease addendum and in accordance with all applicable ordinances, state and local public health, animal control, and animal anti-cruelty laws and regulations governing pet ownership. Any waste generated by a pet must be properly and promptly disposed of by the tenant to avoid any unpleasant and unsanitary odor from being in the unit in accordance with the provisions of GHA's Pet Policy.
11. Prohibited Animals: Animals or breeds of animals that are considered by GHA to be vicious and/or intimidating will not be allowed. Some examples of animals that have a reputation of a vicious nature are: reptiles, Rottweiler, Doberman Pinscher, Pit Bulls, German Shepherd, Chow, and/or any animal that displays vicious behavior. This determination will be made by a GHA representative prior to the execution of this lease addendum.
12. Pet(s) shall not disturb, interfere or diminish the peaceful enjoyment of other residents. The terms, "disturb, interfere or diminish" shall include but not be limited to barking, meowing, crying, howling, chirping, biting, scratching and other like activities. This includes any pets that make noise continuously and/or incessantly for a period of 10 minutes or intermittently for one-half hour or more and therefore disturbs any person at any time of the day or night. The GHA will terminate this authorization if a pet disturbs other residents under this section of the lease addendum. The resident will be given one week to make other arrangements for the care of the pet or the dwelling lease will be terminated.
13. If the animal should become destructive, create a nuisance, represent a threat to the safety and security of other persons, or create a problem in the area of cleanliness and sanitation, the GHA will notify the tenant, in writing, that the animal must be removed from the development, within five (5) days of the date of the notice from GHA. The Resident may request a hearing, which will be handled according to GHA's established grievance procedure. The pet may remain with the resident during the hearing process unless GHA has determined that the pet may be a danger or threat to the safety and security of other persons. If this determination has been made by GHA, the pet must be immediately removed from the unit upon receipt of the notice from GHA.

14. The Resident is solely responsible for cleaning up the waste of the pet within the dwelling and on the premises of the public housing development. If the pet is taken outside, it must be on a leash at all times. If there is any visible waste by the pet, it must be disposed of in a plastic bag, securely tied and placed in the garbage receptacle for their unit. If the Housing Authority staff is required to clean any waste left by a pet, the Resident will be charged \$25 for the removal of the waste.
15. The Resident shall have pets restrained so that maintenance can be performed in the apartment. The Resident shall, whenever an inspection or maintenance is scheduled, either be at home or shall have all animals restrained or caged. Pets that are not caged or properly restrained may be impounded by animal control officers and taken to the local Humane Society or dog warden. It shall be the responsibility of the Resident to reclaim the pet at the expense of the Resident. The Housing Authority shall not be responsible if any animal escapes from the residence due to maintenance, inspections, or other activities of the landlord.
16. Pets may not be bred or used for any commercial purposes on GHA property.

RESIDENT ACKNOWLEDGMENT

After reading and/or having read to me this lease addendum I/we the undersigned, hereinafter "I," agree to the following:

I agree to abide by the requirements outlined in this lease addendum for pet ownership and to keep the pet(s) in accordance with this lease addendum.

I agree and understand that I am liable for any damage or injury whatsoever caused by pet(s) and shall pay GHA for any damages or injury caused by the pet(s). I also realize that I should obtain liability insurance for pet ownership and that paying for the insurance is my responsibility.

I agree to accept full responsibility and will indemnify and hold harmless GHA for any claims by or injuries to third parties or their property caused by my pet(s).

I agree to pay a refundable pet deposit of \$_____ to GHA. The Fee and initial Deposit must be paid prior to the execution of this lease addendum. The pet deposit may be used by GHA at the termination of the lease toward payment of any rent or toward payment of any other costs made necessary because of my occupancy of the premises. Otherwise, the pet deposit, or any balance remaining after final inspection, will be returned to me after the premises are vacated and all keys have been returned.

I AGREE AND UNDERSTAND THAT ALL INFORMATION CONCERNING MY PET (S) MUST BE UPDATED ANNUALLY AND PROVIDED TO THE GHA AT THE ANNUAL REEXAMINATION.

I AGREE AND UNDERSTAND THAT VIOLATING THIS LEASE ADDENDUM MAY RESULT IN THE REMOVAL OF THE PET (S) FROM THE PROPERTY OF THE GHA AND/OR EVICTION. I ALSO UNDERSTAND THAT I MAY NOT BE ALLOWED TO OWN ANY TYPE OF PET IN THE FUTURE WHILE BEING AN OCCUPANT OF THE GHA.

I ALSO UNDERSTAND THAT I MUST OBTAIN PRIOR APPROVAL FROM GHA BEFORE MAKING A CHANGE OF A PET FOR WHICH THIS POLICY WAS APPROVED OR ADDING A SECOND PET. ALSO, A PICTURE MAY BE TAKEN BY GHA STAFF OF THE PET (S) FOR DOCUMENTATION. THE PICTURE WILL BE MAINTAINED IN THE RESIDENT'S FILE WITH THE APPROPRIATE GHA MANAGEMENT OFFICE.

Head of Household (Undersigned)

Date

Housing Authority Representative

Date

Exhibit "1"

Preliminary Request for a Reasonable Accommodation

Leaseholder/Resident/Advocate Name: _____ S.S. #: _____

Current Address: _____ Move-In Date: _____

of Bedrooms: __ Member of Household Accommodation is requested for: _____

A reasonable accommodation is needed because:

The accommodation will:

_____ Help you live in the housing or take part in GHA's program;

_____ Help you meet the lease requirements of GHA's program;

_____ Help you meet other requirements of GHA's program.

Do not tell the GHA the name of your disability or the nature or extent of your disability.

Physician/Health Care Provider name, address and telephone number:

Other comments you would like to make regarding this request: _____

By signing below you confirm the accuracy of the information submitted above. You will be mailed by the GHA an "Authorization for Release of Medical Information" which will be forwarded to your physician. Your physician will then be required to confirm your eligibility and justify your request for GHA.

Once this process has been completed, GHA will be in contact with you regarding the status of your request, which is based on medical reasons.

Leaseholder/Resident Signature Phone Number Date of Request

Do not write below line

For Office Use Only

GHA's Signature: _____

Date Received by GHA: _____

Date Authorization for Release of Medical Information sent to Leaseholder/Resident: _____

Date Medical Justification Letter sent to physician/health care provider: _____

Exhibit "4"

GHA PM Form #78

Revised January 2006

PET OCCUPANCY REQUEST/REGISTRATION FORM

Resident Name: _____

Resident Address: _____

Resident Home Phone Number: _____

Resident Work Phone Number: _____

Alternate Pet Contact: _____

Address of alternate pet contact/care giver: _____

Home Phone Number: _____ Work Phone Number: _____

(List more than one, if applicable)

(To be completed by Veterinarian)

Description of Pet:

Name: _____ Breed: _____

Age: _____ Color: _____

Additional Markings/Information: _____

Height: _____ Weight: _____

Projected Weight at full growth: _____

Veterinarian's Signature

Date

“Exhibit “5”

PET OCCUPANCY REGISTRATION FORM

Resident Name: _____

Resident Address: _____

Resident Home Phone Number: _____

Resident Work Phone Number: _____

Alternate Pet Contact: _____

Address of alternate pet contact/care giver: _____

Home Phone Number: _____ Work Phone Number: _____

(List more than one, if applicable)

Description of Pet:

Name: _____ Breed: _____

Age: _____ Color: _____

Additional Markings/Information: _____

Height: _____ Weight: _____

Projected Weight at full growth: _____

License No.: _____

Copy of License/Tag obtained: _____ Yes _____ No

Picture of Pet is to be attached to this form.

Veterinarian Information/Certifications:

Name of Veterinarian: _____

Address: _____

Phone No.: _____

Certification of Inoculations: _____

Dated: _____

Date spayed or neutered: _____

How long has resident owned this pet? _____

Has your pet lived in rental housing before? _____ Yes _____ No

If so, fill in the following:

Name of apartment complex: _____

Manager's Name: _____

Phone No.: _____

Registration of all pets must be submitted to the Management Office before the pet is permitted on the premises.

Signature

Date

(For GHA use only)

Pet Photographed by: _____

GHA Staff

Date

Resident has paid the appropriate Pet Deposit and Annual fee for the pet(s) being registered.

_____ Yes _____ No

Pet identification sticker affixed to unit door/window:

By: _____

GHA Staff

Date

Photo to be affixed here & filed with the agreement

Chapter 11

REEXAMINATIONS

[24 CFR 5.613, 24 CFR 5.61524 CFR Part 960 Subpart C]

INTRODUCTION

HUD requires that PHA's offer all families the choice of paying income-based rent or flat rent at least annually. Families who choose to pay flat rent are required to complete a reexamination of income, deductions and allowances at least once every three years and family composition at least annually. Flat rent families must still report family composition and community service requirements on an annual basis. To determine the amount of income-based rent, it is necessary for GHA to perform a reexamination of the family's income and composition annually. At the annual reexamination, families who choose to pay income-based rent must report their current household composition, income, assets, deductions and allowances, and community service requirements. GHA will conduct an annual review of community service requirement compliance.

Between regular annual reexaminations, HUD requires that families report all changes in household composition, but GHA decides what other changes must be reported and the procedures for reporting them. This chapter defines GHA's policy for conducting annual reexaminations. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ELIGIBILITY FOR CONTINUED OCCUPANCY

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

1. Qualify as a family as defined in this policy.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Have provided Social Security numbers of all eligible family members or have certifications on file indicating they have no Social Security number for ineligible members.
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent¹.
5. Who are in compliance with the GHA's community service requirements.
6. Who remains eligible for non-criminal status or sex offender ineligibility.

Remaining Family Members and Prior Debt

1. Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head or spouse. GHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age 18.
2. Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

B. ANNUAL REEXAMINATION

1. Regular reexaminations: GHA shall, at least once a year, re-examine the family composition, incomes, assets, allowances, and community service requirements of all resident families, except for families that are paying flat rent and elect to pay flat rent. Flat rent families shall have their incomes reexamined every three (3) years². Flat rent families will be required to have the family composition and community service requirements reexamined annually. **All GHA annual recertifications are processed to be in compliance with a twelve- month effective period.**
2. Zero Income Families: Unless the family has income that is excluded from rent computation, families who report zero income will have the income be re-verified through EIV every 90 days for income changes and are further required to complete a written no/low income certification every 90 days and undergo an interim recertification every 90 days. (See Other Interim Reporting Issues below).
3. Reexamination Procedures
 - (a) At the time of reexamination, all adult members of the household will be required to sign a personal declaration and other forms required by GHA and HUD.
 - (b) Income, assets, allowances, and such other data as is deemed necessary will be verified, and all documentation will be filed in the resident's folder.
 - (c) An EIV report will be run at recertification to help detect unreported income and provide third-party verification. Credit Checks may be requested as well.
 - (d) Verified information will be analyzed and a determination made with respect to:
 - (i) Eligibility of the resident as a family or as the remaining member of a family;
 - (ii) Unit size required for the family (using the Occupancy Guidelines);
 - (iii) Rent the family should pay;

- (iv) Verification of pets; and
 - (v) Community Service requirements.
 - (e) Residents with a history of employment whose reexamination occurs when they are not employed will have income anticipated based on past or anticipated employment. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates.
 - (f) Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy³.
 - (g) Families failing to respond to the initial reexamination appointment will be issued a final appointment within the same month. Failure to respond to the final request will result in the family being sent a notice of lease violation and for termination of the lease⁴.
4. Action Following Reexamination
- (a) If there is any change in rent, the lease will be amended, and a Notice of Rent Adjustment will be issued⁵.
 - (b) If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described within the policy and moved to an appropriate unit when one becomes available⁶.

The terms annual recertification and annual reexamination are synonymous.

The recertification dates are based on the property in which the family resides.

For families who move in during the month, the annual recertifications will be completed no later than the first of the month in which the family moved in, the following year, however, the annual recertifications are based the properties required period.

When families move to another dwelling unit the annual recertification date will change.

Effective Dates of Annual Reexamination

<u>Project</u>	<u>Start of Notice</u>	<u>Reexam Mailed</u>	<u>Effective Date of Reexam</u>
Lincoln	12/1	3/1	4/1
Little Washington	3/1	6/1	7/1
Woodcrest & Elmwood	3/1	6/1	7/1
West Haven	5/1	8/1	9/1
Fairview &	8/1	11/1	12/1

Fairview East			
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Reexamination Notice to the Family

All families will be notified of their obligation to recertify by first class mail. The written notification shall be sent at least 90 days in advance of the recertification effective date specifying the date and time of the appointment and the required documents that the tenant will need to supply.

During this reexamination period, the family will be given the option to choose flat rent or income-based rent. GHA will provide a form that states what the flat rent would be and what the family's income-based rent would be. The family will be required to make a choice and sign the form prior to the effective date of their reexamination. The form will be retained in the tenant's file.

If the family chooses flat rent, an annual recertification is required to verify community service requirements and family composition. Recertification of income is only required every three years.

Methodology

If the family chooses income-based rent, or if the family has paid the flat rent for three (3) years, GHA will use the following methodology for conducting annual recertifications:

- Schedule a specific date and time of appointments in the written notification to the family.
- Include information on the required documents that the tenant will need to supply.

Persons with Disabilities

If requested as an accommodation by a person with a disability, GHA will provide the notice in an accessible format. GHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they met the need presented by the disability.

Persons with disabilities, who are unable to come to the Property Management site office, will be granted an accommodation of conducting the interview at the person's home, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information

The family is required to complete a Personal Declaration form prior to all annual and interim recertification interviews. (Update Form may be used for interims).

Requirements to Attend

The following family members will be required to attend the recertification interview and sign the personal declaration along with other required forms:

- The head of household, spouse, co-head, and
- All adult household members.

If the head of household is unable to attend the interview:

The spouse/co-head may recertify for the family, provided that the head of household and all adult household members comes in to the office within 5 days to recertify.

If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact GHA to request a reasonable accommodation.

An advocate, interpreter, or other assistance may assist the family in the interview process.

Failure to Respond to Notification to Recertify

The written notification will explain which family members are required to attend the recertification interview. The family may call to request another appointment date up to 2 working days prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with GHA, GHA will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, GHA may terminate tenancy for the family.

Exceptions to these policies may be made by the Property Manager if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

Documents Required From the Family

In the notification letter to the family, GHA will include instructions for the family to bring the following:

- Documentation of income for all family members
- Documentation of assets
- Documentation to substantiate any deductions or allowances
- Documentation of family composition
- Personal Declaration Form completed by head of household
- Authorization for the Release of Information/Privacy Act Notice
- Documentation of community service requirements

- Other required documents on new family members, such as SSN or citizenship requirements

GHA will provide the family with a copy of Form HUD-92006 at time of interview and will advise the family that completion of the form is optional for the family. GHA will advise the family that the purpose of the form is to allow the family to provide contact information of an individual or agency that GHA may contact in an attempt to obtain needed information to complete the family's recertification.

Verification of Information

All information which affects the family's continued eligibility for the program, and the family's Total Tenant Payment (TTP) will be verified in accordance with the verification procedures and guidelines described in this Policy.

When the information has been verified, it will be analyzed to determine:

- the continued eligibility of the resident as a family or as the remaining member of a family;
- the unit size required by the family;
- the amount of rent the family should pay.

EIV Documentation

C. Interim Adjustments- For each interim reexamination (form HUD-50058 action type 3) of family income and composition, the PHA is required to have the following documentation in the tenant file:

i. ICN Page when there is **no** household income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report. (PHAs have the discretion to print the EIV Income report, however, only the ICN page is required.)

ii. EIV Income Report when there is an income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.

D. Annual Recertification- For each annual reexamination of family income and composition, the PHA is required to have the following documentation in the tenant file:

i. No Dispute of EIV Information: EIV Income Report, current acceptable tenant-provided documentation, and *if necessary* (as determined by the PHA), traditional third party verification form(s).

ii. Disputed EIV Information: EIV Income report, current acceptable tenant provided documentation, and/or traditional third party verification form(s) for disputed information.

iii. Tenant-reported income not verifiable through EIV system: Current tenant-provided documents, and *if necessary* (as determined by the PHA), traditional third party verification form(s).

Sex Offender Ineligibility

GHA's annual recertification/reexamination documents include a question asking whether the tenant or any member of the tenant's household is subject to a lifetime state sex offender registration program in any state. The GHA will verify this information using the Dru Sjodin National Sex Offender Database or other local source and document this information in the same method used at admission. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries. The website for the database is located at: <http://www.nsopw.gov>. A record of this screening, including date performed, will be retained in the file

For any family in occupancy, if the recertification/reexamination screening reveals that the tenant or a member of the tenant's household is subject to a lifetime sex offender registration requirement, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification/reexamination forms, the GHA shall pursue eviction or termination of tenancy to the extent allowed by their lease and state or local law.

Notwithstanding the above, if the tenant or a member of the tenant's household, regardless of when they were admitted, commits criminal activity while living in federally assisted housing, GHA will pursue eviction or termination of tenancy to the extent allowed by their lease and state or local law.

C. INTERIM REEXAMINATIONS

Interim reexaminations may be conducted between annual reexaminations as warranted by individual situations. Instances where interim reexaminations are utilized include but are not limited to:

- When there is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder.
- Reexamination Following Income Disallowance: When a family qualifies for an earned income disallowance, an interim reexamination will occur at the end of the initial 12 month disallowance period and at the end of the phase-in period.

D. NOTICE of CHANGES and REPORTING INTERIM CHANGES

Families must report all changes in household composition to GHA between annual reexaminations. This includes additions due to marriage, birth, adoption and court-awarded

custody. The family must obtain GHA approval prior to all other additions to the household. Families must also report when individuals are no longer living in the unit.

When there is a change in head of household or a new adult family member is added, GHA will complete a personal declaration or update the form and reverify, using the same procedures GHA staff would use for an annual reexamination, except for effective dates of changes. In such case, the Interim Reexamination Policy would be used.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified prior to the approval by the PHA of the family member being added to the lease.

Rent Adjustments

1. **Residents are required to report all changes in family composition or status to GHA within 10 calendar days of the occurrence.** Failure to report within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. In order to qualify for rent reductions, residents must report income decreases promptly. **Residents are not required to report interim increases in income unless they have been granted interim rent reductions.**
2. GHA wishes to encourage families to improve their economic circumstances, so most changes in family income between reexaminations will not result in a rent change. GHA will process interim changes in rent in accordance with the chart below:

<u>INCOME CHANGE</u>	<u>GHA ACTION</u>
(a) Decrease in income for any reason, <u>except</u> for decrease that lasts less than 30 days. Increase in income following GHA granting of interim rent decrease. Decreases in income resulting from welfare fraud or from TANF reductions for failure to comply with self-sufficiency program rules are not eligible for rent reduction.	• GHA will process an interim reduction in rent if the income decrease will last more than 30 days. GHA will process an interim increase for income increases that follow interim rent reductions.
(b) Increase in earned income from the employment of a current household member.	• GHA will either defer the increase to the next regular reexamination or, if the individual is eligible for an earned income disallowance, will apply the disallowance.
(c) Increase in unearned income	• GHA will defer the increase to the next regular reexamination.
(d) Increase in income because a person with income (from any source) joins the household.	• GHA will process an interim increase in rent.

<p>(e) Non-reported income change or misrepresenting the facts upon which the rent is based, so that the rent the resident is paying is less than the rent that he/she should have been charged</p>	<ul style="list-style-type: none">• GHA will process an interim in rent if it is found that the resident at annual or interim re-examination misrepresented his/her household income. Any increase in rent will be retroactive to the first of the month following the month in which the misrepresentation occurred.
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3. GHA will process interim adjustments in rent as follows:
 - (a) When a decrease in income is reported, and the Authority receives confirmation that the decrease will last less than 30 days, an interim adjustment will not be processed.
 - (b) Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed.
4. Residents granted a reduction in rent under these provisions would be required to report for special reexaminations at intervals determined by the GHA. Reporting is required until income increases or it is time for the next regularly scheduled reexamination, whichever occurs first.

Effective Date of Adjustments

Residents will be notified in writing of any rent adjustment including the effective date of the adjustment.

- (1) Rent decreases go into effect the first of the month following receipt of all verification.
- (2) Rent increases (except those due to misrepresentation) require 30 days notice and become effective the first of the second month.

GHA Policy

However, no decrease will be made until the decrease has been verified. At the discretion of the CEO or designee, temporary adjustments may be made subject to verification of the decrease. In case of GHA errors, decreases shall be retroactive to the date of the error.

Increases in Income to be Reported

Families paying flat rent are not required to report any increases in income or assets between the recertification periods.

Families paying income based rent are required to report the following increases in income if applicable:

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- Increases in income because a person with income joins the household;
 - Increases in household income that comes as a result of a new income source.

The family is not required to report the following until their next annual re-examination:

- Cost of living adjustments to recipients of Social Security, TANF and Veterans Assistance.

Increases in Income and Rent Adjustments

If applicable the GHA will process rent adjustments for all increases in income, which are reported between regularly scheduled recertifications.

Rent increases (except those due to misrepresentation) require 30 days notice.

Decreases in Income and Rent Adjustments

Residents may report a decrease in income and other changes, such as an increase in allowances or deductions, which would reduce the amount of the total tenant payment.

Rent decreases go into effect the first of the month following the verification of documents. GHA will process the rent adjustment unless GHA confirms that the decrease in income will last less than 30 calendar days.

GHA Policy

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

E. OTHER INTERIM REPORTING ISSUES

An interim reexamination will be scheduled for families with zero income every 90 days. Unless the family has income that is excluded from rent computation, families who report zero income will have the income re-verified through EIV every 90 days for income changes and are further required to complete a written no/low income certification every 90 days and undergo an interim recertification every 90 days, until they have a stable income. If any increases in income are indicated in any of the above information or other verification, then the family will be reviewed for an interim and the rent will be adjusted accordingly. Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or

reimbursement of medical expenses shall be considered income. Families that report zero or extremely low income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

F. REPORTING OF CHANGES IN FAMILY COMPOSITION

All members of the family residing in the unit must be approved by GHA. The family must inform GHA and request approval of additional family members to include live-in aides, foster children and foster adults other than additions due to birth, adoption, court-awarded custody before the new member occupies the unit.

The family must inform GHA in writing of the birth, adoption or court-awarded custody of a child within 10 calendar days.

All changes in family composition must be reported in writing within 10 working days of the occurrence.

If an adult family member is declared permanently absent by the head of household, the notice must contain a certification by the head of household that the member (who may be the head of household) removed is permanently absent.

Deceased Tenant Actions (Notice PIH 2010-9)

Corrective Actions Required by PHAs. When the Deceased Tenants Report identifies an individual as being deceased, GHA is required to take the following actions:

- Immediately contact the head of household (HOH) or emergency contact person (if the HOH is deceased and there is no other adult household member) to confirm the death of the listed household member. A letter should be sent to the HOH, followed by a telephone call.
- GHA shall conduct a home visit to determine if anyone is residing in the unit. If there are unauthorized persons in the unit of a deceased single member household GHA must pursue judicial intervention to have them lawfully removed from the unit. GHA will follow the State and local Tenant and Landlord laws to regain possession of the unit.
- **When the remaining household member is a live-in aide.** When the HOH dies and the only remaining household member is the live-in aide, the live-in aide is not entitled or eligible for any rental assistance or continued occupancy in a subsidized unit. By definition, the live-in aide would not be living in the subsidized unit except to provide the necessary supportive services on behalf of the elderly or disabled HOH. The GHA may not designate the live-in aide as the new HOH or change the relation code (line item 3h on the form HUD-50058) of the live-in aide to make him or her an eligible household member (eligible for assistance). The GHA must notify the live-in aide s/he is required to vacate the unit at the end of month. If the live-in aide does not vacate the

unit, the GHA must follow local Tenant and Landlord laws to regain possession of the unit.

The HOH is deceased and the remaining household members are minors.

GHA shall follow the established policy for dealing with situations when the HOH dies during tenancy and the remaining household members are minors. GHA's policy includes (but is not limited to) allowing a temporary adult guardian to reside in the unit until a court-appointed guardian is established. In accordance with its screening policies, the GHA may add the new guardian as the new HOH should the legal appointment be of a duration of greater than 6 months. GHA will work with the local Department of Social Services to ensure that the best interests of the children are addressed.

An identified household member is reported to be deceased but is not deceased

There are a very few instances when an error has been made in the SSA's Death Match File (DMF), where an individual is reported as deceased, but actually living. In the event that a household member is misidentified as deceased on the Deceased Tenants Report, GHA will immediately notify the individual in writing and advise the individual to contact SSA so that SSA may correct its records. The individual may contact SSA at (800) 772-1213, or visit his/her local SSA office for assistance.

The GHA will provide the individual with his/her section of the EIV Income Report, which shows the death information. GHA is authorized to provide EIV information only to the individual the information pertains to. The GHA will provide the minor's information to the minor's adult parent or guardian.

GHA will make a note in the tenant file that the individual has been identified as deceased; however, the GHA has confirmed that the individual is actually alive. Only SSA can correct erroneous death information.

For deceased single member households (where there are no unauthorized unit occupants), GHA may list the date of death as the last day of the month, in which the death occurred. GHA is required to then classify the unit as vacant in PIC. The GHA may not use a later date based on the date that all personal belongings were removed from the unit by the family. The GHA may coordinate the removal of personal belongings within a reasonable time frame (not to exceed 14 days). In situations where the GHA seeks judicial intervention to regain possession of the public housing unit, the GHA must list eviction date (the day in which the GHA has regained possession of the unit) as the effective date of action.

Increase in Family Size

GHA will consider a unit transfer (if needed under the Occupancy Guidelines) for additions to the family in the following cases:

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- Addition by marriage/or marital-type relation.
 - Addition of a minor who is a member of the nuclear family who had been living elsewhere.
 - Addition of a PHA-approved live-in attendant.
 - Addition due to birth, adoption or court-awarded custody.

Rent Due to Temporarily/Permanently Absent of a Family Member

GHA must compute all applicable verifications of income of every family member who is on the lease, including those who are temporarily absent.

Income of persons permanently absent will not be counted and the resident will be removed from the lease. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. GHA will evaluate absences from the unit in accordance with this policy.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, GHA will terminate tenancy in accordance with the appropriate lease termination procedures contained in this Policy.

Families are required to notify GHA before they move out of a unit in accordance with the lease and to give GHA information about any family absence from the unit.

Families must notify GHA if they are going to be absent from the unit for more than seven (7) consecutive days. A person with a disability may request an extension of time as a reasonable accommodation.

"Absence" means that no family member is residing in the unit.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for 30 consecutive days in a 12 month period except as otherwise provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, GHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently

absent and removed from the lease. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remains current.

Temporary caretaker request must be provided by the resident and verified by a medical provider. The status must be updated every thirty(30) days. The GHA will review the request and verified reasons for the caretaker during an extended medical hardship. Approval of the caretaker to occupy the unit for a period beyond 2 weeks will require prior approval by the Property Manager.

Absence due to Incarceration

If the sole member is incarcerated for more than 30 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for more than 30 consecutive days. The rent and other charges must remain current during this period.

GHA will determine if the reason for incarceration is for drug-related or criminal activity that would threaten the health, safety and right to peaceful enjoyment of the dwelling unit by other residents. If the offense is drug related or criminal activity that violates the lease and policy, the lease will be terminated.

Foster Care and Absences of Children

If the family includes a child or children temporarily absent from the home due to placement in foster care, GHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 180 days from the date of removal of the child(ren), the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the unit size will be reduced in accordance with the PHA's occupancy guidelines.

Absence of Adult

If neither parents remains in the household and the GHA and appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, GHA will treat that adult as a visitor for the first 30 calendar days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the guardian, and the guardian qualifies under Tenant Suitability criteria, the lease will be transferred to the guardian.

If the court has not awarded custody or legal guardianship, but the action is in process, GHA will secure verification from social services staff or the attorney as to the status.

The guardian will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

GHA will transfer the lease to the guardian, in the absence of a court order, if the guardian qualifies under the Tenant Suitability criteria and has been in the unit for more than 30 days and it is reasonable to expect that custody will be granted.

When the GHA approves a person to reside in the unit as guardian for the child(ren), the income of the guardian should be counted pending a final disposition. GHA will work with the appropriate service agencies to provide a smooth transition in these cases.

If an adult child goes into the military and vacates the unit, they will be considered permanently absent.

Full time students who attend school away from the home will be treated in the following manner:

GHA Policy

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

Visitors (See Chapter on Leasing)

A visitor/*guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

The lease must provide the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near PHA premises [24 CFR 966.4(f)].

A resident family must notify the GHA in writing when overnight guests will be staying in the unit for more than 3 days.

A guest can remain in the unit no longer than 5 consecutive days or a total of 30 cumulative calendar days during any 12-month period.

Residents are responsible for the actions and conduct of their guests in accordance with the lease.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside

of the public housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above.

Former residents who have been evicted are not permitted as overnight guests.

Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

Absence of evidence of any other address will be considered verification that the visitor is an unauthorized household member.

Statements from neighbors and/or GHA staff will be considered in making the determination.

GHA will consider:

- Statements from neighbors and/or GHA staff
- Vehicle license plate verification
- Post Office records
- Drivers license verification
- Law enforcement reports
- Credit reports
- Other reliable documentation

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and GHA will terminate the family's lease since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to 45 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 183 days per year, the minor will be considered to be an eligible visitor and not a family member. **The family will not receive a \$480 dependent deduction for this minor.**

If both parents reside in Public Housing, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

G. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF UNIT

To be considered the remaining member of the tenant family, the person must have been previously approved by GHA to be living in the unit. In order for a minor child to continue to receive assistance as a remaining family member:

- The court has to have awarded emancipated minor status to the minor or is legally married; or
- GHA has verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a transfer to an appropriate unit size per the Occupancy Standards.

H. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members. Mixed families are eligible for prorated assistance in accordance with the mixed-family portion of the policy. Family members that have temporary eligible status will be re-verified for eligibility at the annual recertification period.

¹ 24 CFR § 5.5

² 24 CFR § 960.257

³ 24 CFR § 5

⁴ 24 CFR § 966.4 (c)(2)

⁵ 24 CFR § 966.4 (c) & (o)

⁶ 24 CFR § 966.4 (c)(3)

Chapter 12

LEASE TERMINATIONS

[24 CFR 966.4]

INTRODUCTION

Either party in a lease agreement may terminate the lease under certain circumstances. GHA may terminate tenancy for a family because of the family's action or failure to act in accordance with HUD regulations [24 CFR 966.4 (1)], and the terms of the lease. This Chapter describes GHA's policies for notification of lease termination and provisions of the lease. When determining PHA policy on terminations, state and local landlord-tenant laws must be considered. Such laws can vary from one location to another and these variances may be either more or less restrictive than federal law or HUD regulation.

A. TERMINATION BY TENANT

The tenant may terminate the lease by providing GHA with a written 14-day advance notice as defined in the lease agreement. Such notice must be in writing and delivered to the project office or the GHA central office or sent by pre-paid first-class mail, properly addressed.

B. TERMINATION BY GHA

Termination of tenancy will be in accordance with GHA's lease.

The Violence against Women Act of 2005 explicitly prohibits PHAs from considering incidents of actual or threatened domestic violence, dating violence, or stalking as “other good cause” for terminating the tenancy or occupancy rights of the victim of such violence. (Refer to Chapter 12-D)

The lease may be terminated by GHA at any time by giving written notice for serious or repeated violation of material terms of the lease, such as, but not limited to the following:

TERMINATIONS – HUD Mandatory

- Failure to Provide Consent [24 CFR 960.259(a) and (b)]: GHA must terminate the lease if any family member fails to sign and submit any consent form s/he is required to sign for any reexamination.
- Termination Due to Ineligible Immigration Status [24 CFR 5.514]: If GHA determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis, the family's assistance will be terminated for 24 months. This provision does not apply to a family if the eligibility of the ineligible

individual was considered in calculating any proration of assistance provided for the family.

- Failure to Disclose and Document Social Security Numbers [24 CFR 5.218(c), 24 CFR 960.259(a)(3), Notice PIH 2012-10]. Timelines for obtaining documents is in Chapter 7.
- Failure to Accept GHA's Offer of a Lease Revision [24 CFR 966.4(l)(2)(ii)(E)]:
 - The revision is on a form adopted by GHA in accordance with 24 CFR 966.3 pertaining to requirements for notice to tenants and resident organizations and their opportunity to present comments.
 - GHA has made written notice of the offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect.
 - GHA has specified in the offer a reasonable time limit within that period for acceptance by the family.
- Methamphetamine Conviction [24 CFR 966.4(l)(5)(i)(A)]. GHA must immediately terminate the lease if GHA determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing.
- Lifetime Registered Sex Offenders [Notice PIH 2012-28]: Should a GHA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, GHA must immediately terminate assistance for the household member. In this situation, GHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, GHA must terminate assistance for the household.
- The PHA is prohibited from renewing the lease at the end of the 12-month lease term when the family fails to comply with the community service requirements as described in Chapter 15.
- Death of a Sole Family Member [Notice PIH 2012-10]: GHA must immediately terminate program assistance for deceased single member households.

Termination – Other Authorized Reasons

- Nonpayment of rent or other charges due under the Lease, or repeated chronic late payment of rent;
- Failure to provide timely and accurate statements of income, assets, expenses and family composition at Admission, Interim, Special or Annual Rent Recertifications;

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- Assignment or subleasing of the premises or providing accommodation for boarders or lodgers;
 - Use of the premises for purposes other than solely as a dwelling unit for the Tenant and Tenant's household as identified in this Lease, or permitting its use for any other purposes;
 - Failure to pass annual inspections with adequate notices to correct;
 - Failure to abide by necessary and reasonable rules made by the Landlord for the benefit and well being of the housing project and the Tenants;
 - Failure to abide by applicable building and housing codes materially affecting health or safety;
 - Failure to dispose of garbage waste and rubbish in a safe and sanitary manner;
 - Failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning and other equipment, including elevators, in a safe manner;
 - Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts;
 - Failure to pay reasonable charges (other than for normal wear and tear) for the repair of damages to the premises, project buildings, facilities, equipment, or common areas; or
 - The Tenant, any member of the Tenant's household, or a guest or other person on the premises due to tenants residency shall not engage in criminal activity, including drug-related criminal activity, on or off public housing premises (as defined in the lease), while the Tenant is a Tenant in public housing, and such criminal activity shall be cause for termination of tenancy
 - Inviting, allowing, or creating a situation that causes any person or persons who have been banned from GHA property to be present on the GHA property. An up-to-date banned list is maintained at the GHA's main office and each development office.
 - Alcohol abuse that GHA determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - Non-compliance with Non-Citizen Rule requirements.
 - Other good cause.

GHA Policy

A family will be evicted after three (3) Summons within the calendar year, as defined by January 1 through December 31. The GHA will not dismiss the action to evict the Resident once the summons is issued, unless the summons was issued due to a GHA error

or with the prior approval of the CEO or designee.

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

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

C. NOTIFICATION REQUIREMENTS

GHA's **written** Notice of Lease Termination will state the reason for the proposed termination, the date that the termination will take place, and it will offer the resident all of the rights and protections afforded by the regulations and this policy. (See Chapter on Complaints, Grievances and Hearings.)

Notices of lease termination shall be in writing and delivered to tenant or adult member of the household or sent by first class mail properly addressed to tenant.

All notices of lease termination will include a statement of the protection against termination provided by VAWA for victims of domestic violence, dating violence, or stalking. Any family member who claims that the cause for termination involves (a) criminal acts of physical violence against family members or others or (b) incidents of domestic violence, dating violence, or stalking of which a family member is the victim will be given the opportunity to provide documentation in accordance with the policies in Chapter 12-D.

Timing of the Notice

If GHA terminates the lease, written notice will be given as follows:

At least 14 calendar days prior to termination in the case of failure to pay rent;

A reasonable time, commensurate with the emergency of the situation when the health or safety of other residents, household members or GHA employees is threatened.

At least thirty days prior to termination in all other cases.

GHA shall notify the Post Office that mail should no longer be delivered to the person who was evicted for criminal activity, including drug-related criminal activity.

Criminal Activity

GHA will **immediately and permanently** terminate tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

GHA will terminate assistance of participants in cases where GHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where GHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

GHA will consider the use of alcohol to be a pattern if there is more than one incident during the previous 6 months.

"Engaged in or engaging in a recent history of" drug related criminal activity means any act within the past **3 years** by applicants or participants, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

"Engaged in or engaging in a recent history of" criminal activity means any act within the past 3 years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of GHA, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

In evaluating evidence of negative behavior, GHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

GHA will waive the requirement regarding drug-related criminal activity if:

The person demonstrates successful completion of a credible rehabilitation program approved by GHA, or

The individual involved in drug-related criminal activity is no longer in the household because the person is incarcerated.

D. PROHIBITION AGAINST TERMINATING TENANCY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [Pub.L. 109-162 and 109-271]

The Violence against Women Act of 2005 (VAWA), provides that "criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for

termination of the tenancy or occupancy rights, if the tenant or immediate family member of the tenant's family is the victim or threatened victim of that abuse." VAWA further provides that incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence.

VAWA does not limit the GHA's authority to terminate the tenancy of any tenant if the GHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property.

- VAWA does not limit a PHA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, or stalking providing that the PHA does not subject the victim to a more demanding standard than the standard to which it holds other tenants.

Victim Documentation

GHA Policy

When a tenant family is facing lease termination because of the actions of a tenant, household member, guest, or other person under the tenant's control and a tenant or immediate family member of the tenant's family claims that she or he is the victim of such actions and that the actions are related to domestic violence, dating violence, or stalking, the GHA will require the individual to submit documentation affirming that claim.

The documentation must include two elements:

- A signed statement by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking. and;
- One of the following:
 - A police or court record documenting the actual or threatened abuse
 - A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The required certification and supporting documentation must be submitted to the GHA within 14 business days after the GHA request is received by the victim. Upon written request from the tenant, the GHA will extend the 14-day deadline for an additional 10 business days as long as the extension request is submitted within the initial 14

business-day period.

If the individual does not provide the required certification and supporting documentation within 14 business days or the approved extension period, the GHA will proceed with termination of the family's lease.

If the GHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant's tenancy is not terminated, the GHA will bypass the standard process and proceed with the immediate termination of the family's lease.

Terminating or Evicting a Perpetrator of Domestic Violence

Although VAWA provides protection from termination for victims of domestic violence, it does not provide protection for perpetrators. In fact, VAWA gives the GHA the explicit authority to bifurcate a lease, or to remove a household member from a lease, "in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant." HUD regulations impose on the PHA the obligation to consider lease bifurcation in any circumstances involving domestic violence, dating violence, or stalking. This authority supersedes any local, state, or other federal law to the contrary. However, if the PHA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law for eviction, lease termination, or termination of assistance [The Violence Against Women Reauthorization Act of 2013: Overview of Applicability to HUD Programs].

GHA Policy

When the actions of a tenant or other family member result in a determination by the GHA to terminate the family's lease and another family member claims that the actions involve criminal acts of physical violence against family members or others, the GHA will request that the victim submit the above required certification and supporting documentation in accordance with the stated time frame.

If the certification and supporting documentation are submitted within the required time frame or any approved extension period, the GHA will bifurcate the lease and evict or terminate the occupancy rights of the perpetrator. If the victim does not provide the certification and supporting documentation, as required, the GHA will proceed with termination of the family's lease.

If the GHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant's tenancy is not terminated, the GHA will bypass the standard process and proceed with the immediate termination of the family.

GHA Confidentiality Requirements

All information provided to the GHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared data base nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

E. RECORD KEEPING

For more information concerning general record keeping, see Chapter 17. A written record of every termination and/or eviction shall be maintained by GHA through the tenant data based system and as a minimum shall contain the following information:

- Name of resident, number and identification of unit occupied;
- Date of the Notice of Lease Termination and any other notices required by State or local law; these notices may be on the same form and will run concurrently;
- Specific reason(s) for the Notices; citing the lease section or provision that was violated, and other facts pertinent to the issuing of the Notices described in detail (other than the Criminal History Reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905);
 - Date and method of notifying resident of reasons and showing a summary of any conferences with resident, including dates, names of conference participants and conclusions;
 - Dated and signed records of minutes of any hearing held;
 - Date and description of final action taken;
 - Date and copy of Notice to Vacate.

Chapter 13

COMPLAINTS, GRIEVANCES AND APPEALS

[24 CFR 966.50-966.57]

INTRODUCTION

This document describes the policies to be used when families disagree with any action, decision, or inaction by the Goldsboro Housing Authority (GHA). It is the policy of GHA to ensure that all families have the benefit of all protections due to them under the law.

If a Complainant does not follow the procedures set forth in this policy and/or does not request a hearing, then the GHA's action, inaction, or decision shall be considered final. Failure of a Complainant to request a hearing does not constitute a waiver of his/her right to contest GHA in an appropriate judicial proceeding.

For all aspects of the grievance and appeals process, a disabled person shall be provided reasonable accommodation to the extent necessary to provide the disabled person with an opportunity to use the grievance procedures equal to a non-disabled person.

According to 24 CFR, 966.55 (b) Selection of Hearing Officer or Hearing Panel.

- (1) A grievance hearing shall be conducted by an impartial person or persons appointed by the PHA, other than a person who made or approved the PHA action under review or a subordinate of such person.
- (2) The method or methods for PHA appointment of a hearing officer or hearing panel shall be stated in the PHA grievance procedure. The PHA may use either of the following methods to appoint a hearing officer or panel:
 - a. A method approved by the majority of tenants (in any building, group of buildings or project, or group of projects to which the method is applicable) voting in an election or meeting of tenants held for the purpose.
 - b. Appointment of a person or persons (who may be an officer or employee of the PHA) selected in the manner required under the PHA grievance procedure.
- (3) The PHA shall consult the resident organizations before PHA appointment of each hearing officer. Any comments or recommendations submitted by the tenant organizations shall be considered by the PHA before the appointment.

GHA's selecting the hearing officer:

The informal hearing will be conducted by an appointed Hearing Officer who is a person other than the one who made the decision under review, or a subordinate of this person.

An impartial person shall conduct a grievance hearing or persons appointed by the GHA after consultation with resident organizations, as described below:

GHA management shall select a slate of impartial persons to sit as hearing officers which may include, but not be limited to GHA Board members, GHA staff members, residents, or professional arbitrators. Potential officers will be asked to confirm their willingness to serve and their ability to be impartial. The list of willing potential officers will be submitted to the GHA's resident organizations. Written comments from the organizations will be accepted and considered prior to final appointment of any hearing officer.

Hearing Officers will be nominated or selected at any time as needed. When a conflict of interest arises, it is the responsibility of the hearing officer to notify GHA of the conflict and recuse themselves from any such hearing. Individuals who are unable to fill their duties for any reason will be replaced as necessary.

Grievance Procedures Sections:

This document is divided into four (5) main sections:

- A. Complaints:** This section covers how to report a complaint of a general nature and the appropriate staff member or Department to whom the complaint should be referred.
- B. Applicants:** This section covers how an applicant would file a grievance, such as to appeal withdrawal from a Wait List. This section also covers the process for appealing determinations of ineligibility based on HUD's Restrictions to Non-Citizens.
- C. Special Hearing and Appeal Provisions for Applicants Notified of Ineligibility based on Restrictions of Assistance to Non-Citizens**
- D. Tenants:** This section covers how a resident of GHA property would appeal a decision, action, or inaction. Such appeals may include, but are not limited to, appealing the action to evict or appeal of how the resident's portion of the rent was calculated.
- E. Definitions:** This section covers definitions used in the document "Complaints, Grievances and Appeals."

A. COMPLAINTS

GHA will respond promptly to all complaints.

Complaints from Resident Families. If a resident family disagrees with an action or inaction of GHA, complaints will be referred to the Property Manager or the Director of Asset Management, as appropriate. Complaints regarding the physical condition of the units may be reported to the Property Manager, Director of Property Management or Director of Capital Funds, Modernization and Safety Development. If the complaint cannot be resolved to the satisfaction of the resident, the resident shall have the right to appeal by following the grievance procedures outlined in Section C of this document.

Complaints from Staff. If a staff person reports a family is violating or has violated a lease provision or is not complying with program rules, the complaints will be referred to the Property Manager or the Director of Asset Management.

Complaints from the General Public. Complaints or referrals from persons in the community in regard to GHA or a family will be referred to the Property Manager, Director of Asset Management, CEO or designee as appropriate.

B. APPEALS BY APPLICANTS

Applicants who are determined ineligible, who do not meet GHA's admission standards, or where GHA does not have an appropriate size and type of unit in its inventory will be given written notification promptly, including the reason for the determination. The written notification will state that the applicant may seek an Informal Hearing.

Applicants must submit their request for an Informal Hearing **in writing** to GHA within 10 working days from the date of the notification of their ineligibility. GHA will send written notices of the Informal Hearing within 10 working days of receiving the applicant's request. The written notice will notify the applicant of the place, date, and time of the hearing.

An impartial Hearing Officer will conduct informal Hearings. The person who is designated as the Hearing Officer cannot be the person who made the determination of ineligibility or a subordinate of that person.

The applicant may bring to the hearing any documentation or evidence s/he wishes. The Hearing Officer will consider the applicant's information, along with data compiled by GHA. A determination will be made based upon the merits of the evidence presented by both sides.

Within 10 working days of the date of the Informal Hearing, the Hearing Officer will mail a written decision to the applicant and place a copy of the decision in the applicant's file.

C. SPECIAL HEARING AND APPEAL PROVISIONS FOR APPLICANTS NOTIFIED OF INELIGIBILITY BASED ON "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"

Assistance to a family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on a United States Citizenship and Immigration Services (USCIS) USCIS appeal process.

USCIS Determination of Ineligibility [24 CFR 912.9(e)]

If a family member claims to be an eligible immigrant and the USCIS SAVE system and manual search do not verify the claim, GHA notifies the applicant within 10 calendar days of the results of the USCIS verification and their right to appeal to the USCIS. The family will have 30 calendar days from the date of GHA's notification to request an appeal of the USCIS results. The request for appeal shall be made by the family communicating in writing directly to the USCIS. The family must provide GHA a copy of the written request for appeal, and proof of mailing, within 10 calendar days of sending the request to the USCIS. For good cause shown, GHA shall grant the family an extension of the time within which to request an appeal.

Documentation to be submitted to the USCIS as a part of an appeal to the USCIS:

1. Copy of original Form G-845S received from USCIS annotated at the top center in bold print: **HUD APPEAL**.
2. Include two stamped envelopes, one addressed to the applicant and one addressed to GHA.
3. Attach any and all documentation available to support the reason or basis for the appeal. This should include legible copies of both sides of the Form G-845S.

The USCIS will issue the results of the appeal to the family, with a copy to GHA, within 30 days of its receipt. If, for any reason, the USCIS is unable to issue a response within the 30-day time period, the USCIS will inform the family and GHA of the reason for delay.

When GHA receives a copy of the USCIS response, GHA will notify the family of its right to request an Informal Hearing on GHA's ineligibility determination in accordance with the procedures outlined in "Section B. Appeals by Applicants." If the family requests an Informal Hearing, the family will be provided the opportunity to examine and copy, at the family's expense and at a reasonable time in advance of the hearing, any documents in possession of GHA pertaining to the family's eligibility status or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

If the Hearing Officer decides that the individual is not eligible, and there are no other eligible family members, GHA will:

1. Deny the applicant family, or
2. Defer termination if the family is a participant and qualifies for deferral, or
3. Terminate the participant if the family does not qualify for deferral.

If there are eligible members in the family, GHA will offer to prorate assistance or give the family the option to remove the ineligible members.

A decision against an applicant under the USCIS appeals process or GHA's Informal Hearing does not preclude the applicant from exercising the right to seek redress directly through judicial procedures.

All other complaints related to eligible citizen/immigrant status:

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide documentation and/or certification.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

D. TENANT GRIEVANCE POLICY AND PROCEDURES

GHA's Grievance Policy and Procedures; for 30-Day and 14-day Notices (Two-Part Process), and for 5-Day Notices (Expedited Process), shall be applicable to all individual grievances between the Resident and GHA, *except* that it shall not apply to an order of eviction following a hearing in a court containing the elements of due process*. Denial of the hearing process does not preclude the resident from exercising the right to seek redress directly through judicial procedures.

* "Elements of Due Process" shall mean an eviction action or termination of tenancy in a state or local court in which the following procedural safeguards are required:

1. Adequate notice to the Resident of grounds for terminating the tenancy and for eviction.
2. Opportunity for the Resident to examine all relevant documents, records, and regulations of the Authority prior to the trial for the purpose of preparing a defense.
3. Right of the Resident to be represented by counsel.
4. Opportunity for the Resident to refute the evidence presented by GHA, including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have.
5. A decision on the merits.

Victims of domestic violence have access to the grievance process for an adverse action on admission to assisted housing, or termination of benefits of assisted housing. Only victims retain the right to the formal grievance process as provided under the Violence Against Women's Act (VAWA).

Furthermore, the grievance policy is not applicable to disputes between Residents not involving GHA, nor of class action grievances. The policy and procedures are not intended as a forum for initiating or negotiating policy changes between individual Residents or a group of residents and

GHA's Board of Commissioners.

The Grievance Process for a 14 – DAY or 30-DAY NOTICE to a resident is a two-part process:

- 1. Informal Conference:** The resident first requests an Informal Conference (an informal discussion of the problem) with the Property Manager. The request may be presented orally or in writing at the GHA's main office or the Public Housing Manager's office where the resident resides. The request must be made within five (5) working days of the time the Resident was notified of an Authority action, or became aware of the condition, situation, or circumstance alleged in the grievance, in order that the grievance may be discussed informally and settled without a hearing, if possible.

A summary of the discussion between the resident and GHA official will be prepared within a reasonable time following the Informal Settlement, not to exceed five (5) working days, and one copy will be given to the Resident and one retained in GHA's Resident lease file. The summary will specify the following:

- The names of the participants.
 - The date of the meeting or meetings held between the participants.
 - The nature of the disposition thereof and the reason therefore.
 - The procedures by which a hearing under provisions of GHA's policy may be obtained if the resident is not satisfied.
- 2. Hearing:** If the resident is not satisfied with the decision of the Property Manager or other GHA official, the resident may then file a written request for a Hearing with GHA's Hearing Officer within five (5) working days of receipt of the GHA's written decision. The written request shall specify:
 - The reasons for the grievance;
 - The action of relief sought from the GHA; and
 - Several dates and times in the following 5 working days when the complainant can attend a grievance hearing.
 - 3.** The Hearing Officer will have five (5) working days from receipt of the request in which to schedule the time, place, and date of the Hearing. The Hearing Officer will prepare of summary of the Informal Hearing within five (5) working days of the Hearing, inclusive of the following:
 - The names of the participants.
 - The date of the meeting held between the participants.
 - The nature of the disposition thereof and the reason therefore.

Hearing Process: Procedures governing the hearing: [966.56]

The hearing shall be held before a hearing officer. The complainant shall be afforded a fair hearing, which shall include:

1. The opportunity to examine, before the hearing, GHA documents, including records and regulations that are directly relevant to the hearing. The complainant shall be allowed to copy any such document at the complainant's expense. If the GHA does not make the document available for examination upon request by the complainant, the GHA may not rely on such document at the grievance hearing.
2. The right to be represented by counsel or other person chosen as the complainant's representative and to have such person make statements on the complainant's behalf.
3. The right to a private hearing unless the complainant requests a public hearing. The right to present evidence and arguments in support of the complaint to controvert evidence relied on by the GHA or project management, and to confront and cross examine all witnesses upon whose testimony or information the GHA or project management relies; and
4. A decision based solely and exclusively upon the fact presented at the hearing. [966.56(b)]

The hearing officer may render a decision without proceeding with the hearing if they determine that the issue has been previously decided in another proceeding. [966.56(c)]

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and, thereafter, the GHA must sustain the burden of justifying the action or failure to act against which the complaint is directed. [966.56(e)]

The hearing officer shall conduct the hearing informally. Oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. [966.56(f)]

The hearing officer shall require the GHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate. [966.56(f)]

The complainant or the GHA may arrange in advance, and at expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript. [966.56(g)]

The GHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the complainant is visually impaired, any notice to the complainant, which is required under this procedure, must be in an accessible format. [966.56(h)]

EXPEDITED GRIEVANCE PROCESS:

The Expedited Grievance Process for a 5-DAY NOTICE to a resident is a one-part process:

An expedited hearing may be requested and/or conducted for an order of eviction due to:

- Criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the Housing Authority; or
- Any violent or drug-related criminal activity on or off the public housing premises [24 CFR 966.51]; or
- Any activity of an extreme nature that poses a threat to the health/safety of others.

The expedited hearing process shall be listed on all **5-Day Notices** and the procedure is as follows:

1. An informal settlement of grievance is not applicable under this provision. When the resident receives a 5-Day Notice and they are subject to the Expedited Grievance Process, the resident may file a **written request for a Hearing with their Property Manager within two (2) working days** of receipt of the 5-Day Notice.
2. The Expedited Hearing will be conducted by the Hearing Officer and shall **take place within five (5) working days from the date the request was received.**
3. The Property Manager will schedule the hearing **within two (2) working days from receipt of the request** for the expedited hearing. The Property Manager will promptly notify the appropriate parties of the time, place and date of the Hearing. The notice shall state that **no postponements** will be permitted and that **failure to appear waives the right to the hearing.**
4. A written decision shall be provided to all parties within **two (2) working days from the date of the hearing.**

DECISIONS

The decision of the Hearing Officer shall be binding on GHA which shall take all actions, or refrain from any actions, necessary to carry out the decision unless GHA's CEO or designee determines within a reasonable time, and promptly notifies the complainant of its determination, that;

- The grievance does not concern GHA action or failure to act in accordance with or involving the complainant's lease on GHA regulations, which adversely affect the complainant's rights, duties, welfare or status;
- The decision of the Hearing Officer is contrary to applicable Federal, State or local law, HUD regulations or requirements of the annual contributions contract between HUD and GHA.

A decision by the Hearing Officer, CEO or designee in favor of GHA or which denies the

relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial *de novo* or judicial review in any judicial proceedings, which may thereafter be brought in the matter. [24 CFR 966.57]

Miscellaneous matters related to the Tenant Grievance Policy and Procedures:

1. Before a hearing is scheduled in any grievance involving the amount of rent which GHA claims is due, the resident shall pay to GHA an amount equal to the amount of rent due and payable as of the first of the month preceding the month in which the act took place. The resident shall thereafter deposit the same amount of rent monthly in an escrow account established and maintained by GHA, to be disbursed at the direction of the Hearing Officer at such time as the grievance is resolved by decision of the Hearing Officer [24 CFR 966.55(e)].

If the resident fails to deposit the amount required, he or she shall have waived his or her right to a Hearing. However, GHA in extenuating circumstances may waive these requirements. Unless so waived, the failure to make such payment shall result in a termination of the grievance procedure, provided however, that failure to make payment shall not constitute a waiver of any right the resident may have to contest the Authority's disposition of his or her grievance in any appropriate judicial proceeding.

2. The Hearing Officer may render a decision without proceeding with the Hearing if the Hearing Officer determines that the issue has been previously decided in another proceeding.
3. If the resident or GHA fails to appear at a scheduled Hearing, the Hearing Officer, for good cause and in the interest of justice, may make a determination to postpone the Hearing for a period of time not to exceed five (5) working days (except for an expedited hearing), or may make a determination that the party has waived its right to a Hearing.

Both the resident and GHA shall be notified of any such determination by the Hearing Officer, provided that determination that the resident has waived his or her right to a Hearing shall not constitute a waiver of any right the resident may have to contest the Authority's disposition of the grievance in an appropriate judicial proceeding.

Evidence

The GHA will use the concept of the preponderance of the evidence as the standard for making all admission, termination, and grievance decisions.

Preponderance of the evidence is defined as the greater weight of the evidence; that is, evidence that you believe because it outweighs or overbalances in your mind the evidence opposed to it. A preponderance means evidence that is more probable, more persuasive, or of greater probative value. It is the quality of the evidence that must be weighed. Quality may, or may not, be identical with quantity (the greater number of witnesses), for example.

Consider all evidence. In determining whether an issue has been proved by a preponderance of the evidence, you should consider all of the evidence, regardless of who produced it.

Equally balanced. If the weight of the evidence is equally balanced, or if you are unable to determine which side of an issue has the preponderance, the party who has the burden of proof has not established such issue by a preponderance of the evidence.

E. DEFINITIONS

“**Authority**” shall mean the Goldsboro Housing Authority, abbreviated also as GHA.

“**Complainant**” shall mean any Tenant (as defined below) or Applicant whose grievance is presented to the GHA in accordance with the requirements presented in this procedure.

“**Drug**” means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

“**Elements of due process**” shall mean an eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required:

1. Adequate notice to the Tenant of the grounds for terminating the tenancy and for eviction;
2. Right of the Tenant to be represented by counsel;
3. Opportunity for the Tenant to refute the evidence presented by the PHA, including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the Tenant may have;
4. A decision on the merits.

“**Hearing Officer**” shall mean a person selected in accordance with 24 CFR Section 966.55 and this procedure to hear grievances and render a decision with respect thereto.

“**Tenant**” shall mean the adult person (or persons)(other than a Live-in aide): (1) Who resides in the unit, and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit, (2) Who resides in the unit, and who is the remaining head of the household of the Tenant family residing in the dwelling unit.

“**Grievance**” shall mean any dispute that a Resident or Applicant may have with respect to any GHA action, or failure to act, in accordance with the Resident’s lease or GHA regulations, policies, or procedures that adversely affect the Resident’s or Applicant’s rights, duties, welfare, or status with GHA.

“**Request for Hearing**” shall mean a written request filed in accordance with the provisions of the GHA’s Grievance Policy and Procedures. The Request for Hearing should state the reason for the grievance, and the action or relief sought.

“**Violent Criminal Activity**” shall mean any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be

reasonably likely to cause, serious bodily injury or property damage.

Chapter 14

FAMILY DEBTS TO THE PHA

INTRODUCTION

This Chapter describes GHA's policies for the recovery of monies which have been underpaid by families. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is GHA's policy to meet the informational needs of families, and to communicate the program rules in order to avoid family debts. Before a debt is assessed against a family, the file must contain documentation to support GHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the family or other interested parties.

TENANT REPAYMENT AGREEMENTS (PIH Notice 2010-19)

Tenants are required to reimburse the GHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the PHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the GHA **must** terminate the family's tenancy or assistance, or both. HUD does **not** authorize any PHA-sponsored amnesty or debt forgiveness programs.

All repayment agreements must be in writing, dated, signed by both the tenant and the GHA, include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements must contain the following provisions:

- Reference to the paragraphs in the GHA lease whereby the tenant is in non-compliance and may be subject to termination of tenancy or assistance, or both.
- The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the GHA.
- The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
- Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

GHA is required to determine retroactive rent amount as far back as the GHA has documentation of family reported income.

When families owe money to the PHA, GHA will make every effort to collect it. GHA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Payment agreements
- Collection agencies
- Credit bureaus

A. PAYMENT AGREEMENT FOR FAMILIES

For payment of the charges, GHA may:

- Conduct a conference to determine what the tenant can afford to repay each month
- Repayment agreements will be executed by the Property Manager or Director of Finance

With exception of extreme circumstances approved by the CEO or designee, all repayment agreements must be paid within a maximum of forty-eight (48) months, in accordance with the payment thresholds below.

Late Payments

A payment will be considered to be in arrears if:

The payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's payment agreement is in arrears, GHA will:

Terminate tenancy

Payment Schedule for Monies Owed to the PHA

There are some circumstances in which the PHA will not enter into a payment agreement.

They are:

- If the family already has a payment agreement in place.

Guidelines for Payment Agreements

Repayment agreements will be executed between GHA and the head of household only.

Monthly payments may be decreased in cases of hardship with the prior notice of the family, verification of the hardship, and the approval of the CEO or designee.

No transfer will be approved until the debt is paid in full unless the transfer is the result of the following causes, and the payment agreement is current:

- Family size exceeds the maximum occupancy guidelines
 - A natural disaster
- Housing Authority mandated

Payment Thresholds

Repayment timeframes will be established as listed below:

- Amounts between \$4,000 and over must be repaid within 48 months.
- Amounts between \$3,000 and \$3,999 must be repaid within 36 months.
- Amounts between \$2,000 and \$2,999 must be repaid within 24 months.
- Amounts between \$1,000 and \$1,999 must be repaid within 18 months.
- Amounts between \$500 and \$999 must be repaid within 12 months.
- Amounts under \$500 must have a minimum monthly payment of \$100 and cannot exceed 5 months.

Additional Monies Owed

If the family has a payment agreement in place and incurs an additional debt to GHA:

GHA will not enter into more than one payment agreement at a time with the same family.

B. DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION

HUD's definition of program fraud and abuse is a single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead.

Program Fraud

Families who owe money to the PHA due to program fraud will be required to repay it in accordance with the payment procedures for program fraud, below.

If a family owes an amount, which exceeds, \$5,000 as a result of program fraud, GHA may pursue lease termination and the case will be referred to the Inspector General. Where appropriate, GHA will refer the case for criminal prosecution.

Payment Procedures for Program Fraud

Families who commit program fraud or untimely reporting of increases in income will be subject to the following procedures:

- Repayment agreement for program fraud will be allowed if the amount is \$5,000 or less. The CEO or designee must approve repayment agreements.
- The family will be required to pre-pay an agreed upon amount owed prior to or upon execution of the payment agreement.
- Monthly payments will be 1/12 of the balance must be paid within 12 months.

C. WRITING OFF DEBTS

Debts will be written off if:

- A determination is made that the debtor is judgment proof.
- The debtor is deceased.

D. FORMS

Goldsboro Housing Authority

NAME: _____ ACCOUNT # _____
ADDRESS: _____

REASON FOR DELINQUENCY: _____

CHARGES INCLUDED IN CURRENT ACTIVE RESIDENT REPAYMENT AGREEMENT

<u>Date</u>	<u>Description</u>	<u>Amt.</u> <u>Trns</u>	<u>Amt. Due</u>

AGREEMENT DATE: _____ TOTAL AGREEMENT AMT: _____
AGREEMENT MONTHS: _____ DOWN PAYMENT: _____
START PAYMENT MO./YR.: _____ BALANCE DUE: _____
MONTHLY PAYMENT: _____
FINAL PAYMENT: _____

I the head of household agree that this Active Resident Repayment Agreement, if approved, will become an addendum to my current and any future lease agreement(s) with the GHA. I agree that I owe the amounts set forth above. I agree to pay the monthly amount set forth above, in addition to my current rent, and any other new charges assessed to my account, in accordance with my lease agreement. I reaffirm all other conditions of my lease agreement. I agree and understand that if I fail to pay the monthly amount set forth above, with my current rent payment, and any new charges assessed to my account, that the GHA may proceed with terminating my lease agreement for non-payment of rent. I understand and agree that only one Active Resident Repayment Agreement will be allowed per a 12 month period.

The lease requires that a tenant in non-compliance with the repayment agreement may be subject to termination of tenancy or assistance, or both.

The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the GHA.

The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income. This will be subject to verification of the decrease or increase in income.

Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

Signature

Date

Housing Manager/Assistant

Date

Chapter 15

COMMUNITY SERVICE/SELF SUFFICIENCY POLICY

INTRODUCTION

The Quality Housing and Work Responsibility Act of 1998 (QHWRA) requires that all non-exempt (see definitions) public housing adult residents (18 or older) contribute 8 hours per month of community service (volunteer work) or participate in 8 hours of training, counseling, classes and other activities which help an individual toward self-sufficiency and economic independence. This is a requirement of the dwelling lease signed with all residents.

HUD issued PIH Notice 2009-48 to assist GHA's understanding and administration of the mandated Community Service and Self-Sufficiency Requirement (CSSR) and in response to an audit report issued by the Office of Inspector General on March 24, 2008. This Notice addresses:

- Statutory/Regulatory Requirements for Administering CSSR;
- Data Collection and Reporting Requirements;
- Action to take against non-compliant tenants; and,
- Penalties/sanctions against GHAs housing ineligible households.

Statutory/Regulatory Requirements for Administering CSSR: Community Service is "The performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self responsibility in the community. Community service is not employment and may not include political activities" (see 24 CFR 960.601(b)).

Community service volunteer work and economic self-sufficiency requirements mandate that each nonexempt adult household member (18 years or older) shall either contribute 8 hours per month of community service within his or her community, or participate in an economic self-sufficiency program for 8 hours per month. The requirements can also be met by a combination of community service and participation in an economic self-sufficiency program. At least 8 hours of activity must be performed each month (see 24 CFR 960.603(a)). An individual may not skip a month and then double up the following month, unless special circumstances warrant it. No hours may be "donated" or performed by any individual other than the family member who is required to perform the community service. The GHA will determine whether to permit a deviation from the schedule. In administering community service requirements, GHA will comply with all nondiscrimination and equal opportunity requirements (see 24 CFR 960.605).

GHA may administer qualifying community service and self-sufficiency activities directly, or make the activities available to residents through a contractor or partnership with qualifying organizations (including resident organizations), community agencies, or institutions (see 24 CFR 960.605(b)).

GHA residents should report hours for all household members no later than the 5th day of each month, preferably when rent is paid. Failure to pay rent does not constitute a valid cause for

deviation in schedule for CSSR hours or reporting. GHA also requires residents to verify compliance annually, at least 90 days before the expiration of the lease term. Self-certification by residents is not acceptable; third party certification must be provided by the entity where the resident is performing the service.

A. DEFINITIONS

Community Service [24 CFR 960.601(b), Notice PIH 2009-48]

Eligible community service activities include, but are not limited to, work at:

- Local or nonprofit institutions such as schools, head start programs, before or after school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult day care programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods) or clothes centers (distributing donated clothing);
- Nonprofit organization serving PHA residents or their children such as: Boy or Girl Scouts, Boys or Girls Clubs, 4-H clubs, Police Assistance League (PAL), organized children's recreation, mentoring or education programs, Big Brothers or Big Sisters, garden centers, community clean-up programs or beautification programs. Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels;
- Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts.
- PHA housing to improve grounds or provide gardens (so long as such work does not alter the PHA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board; and,
- Care for the children of other residents so parents may volunteer.

NOTE: Political activity is excluded. This would include but is not limited to: voter registration; campaign worker; and poll worker assignments.

Self-Sufficiency Activities [PIH 2009-48, 7]

– activities that include, but are not limited to:

- Job readiness or job training;
- Training programs through local One-Stop Career Centers, Workforce Investment Boards (local entities administered through the U.S. Department of Labor) or other training providers;
- Higher education (junior college or college);
- GED classes;

- Apprenticeships (formal or informal);
- Substance abuse or mental health counseling;
- Reading, financial and/or computer literacy classes;
- English as a second language and/or English proficiency classes;
- Budgeting and credit counseling;
- Any activity required by the Department of Public Assistance under Temporary Assistance for Needy Families (TANF);
- Homeownership educational programs or seminars (offered by GHA and other community organizations); or
- Regular meetings with ROSS PHA coordinators as verified by monthly logs [PHA 2009 48]; or
- Any other program necessary to ready a participant to work.

In addition to the HUD definition above, the GHA definition includes any of the following:

- Participating in the Family Self-Sufficiency or ROSS Program and being current in the steps outlined in the Individual Training and Services Plan or,
- Other activities as approved by the GHA on a case-by-case basis.

The GHA will give residents the greatest choice possible in identifying community service opportunities. The GHA will consider a broad range of self-sufficiency opportunities.

Exempt Individual [24 CFR 960.601(b), Notice PIH 2009-48]

An exempt individual is a member of the family who is:

- Under the age of 18
- 62 years or older;
- Blind or disabled, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. Section 416(i)(1); Section 1382c),
 - who certify that, because of this disability, she or he is unable to comply with the service provisions of this subpart, or
 - is a primary caretaker of such individual;
- Engaged in work activities of at least 20 hours per week. In order for an individual to be exempt from the CSSR requirement because he/she is “engaged in work activities,” the person must be participating in an activity that meets one of the following definitions of “work activity” contained in Section 407(d) of the Social Security Act (42 U.S.C. Section 607(d)):
 - Unsubsidized employment;
 - Subsidized private-sector employment;

- Subsidized public-sector employment;
 - Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
 - On-the-job-training;
 - Job-search and job-readiness assistance;
 - Community service programs;
 - Vocational educational training (not to exceed 12 months with respect to any individual);
 - Job-skills training directly related to employment;
 - Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
 - Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate; and,
 - The provision of childcare services to an individual who is participating in a community service program;
- Able to meet requirements under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.) or under any other welfare program of the State in which PHA is located including a State-administered Welfare-to-Work program; or,
 - A member of a family receiving assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.), or under any other welfare program of the State in which the PHA is located, including a State-administered Welfare-to-Work program, and has not been found by the State or other administering entity to be in noncompliance with such a program.

Each adult member of the household must sign a Community Service Exemption Certification at each annual recertification or if they become an “exempt adult” at any time between recertifications that the status should change.

At least 30 days before the annual reexamination and/or lease expiration, the GHA reviews the exempt or nonexempt status and compliance of family members (see 24 CFR 960.605(c)(2-3).

B. REQUIREMENTS OF THE PROGRAM

1. The 8 hours per month may be either volunteer service or self-sufficiency program activity or a combination of the two.
2. At least 8 hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant consideration. The Director of Asset Management or their designee will make the determination of whether to allow or disallow a deviation from the schedule.

3. Community Service activities must be performed within the community and not outside the jurisdictional area of GHA.
4. Family Obligations
 - At lease execution or re-examination after October 1, 2003, all adult members (18 or older) of a public housing resident family must:
 - 1) Provide documentation that they are exempt from Community Service requirement if they qualify for an exemption, and;
 - 2) Sign a certification that they have received and read this policy and understand that if they are not exempt, failure to comply with the Community Service requirement will result in non-renewal of their lease. GHA makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with GHA determination, s/he can dispute the decision through the GHA Grievance Procedure.
 - Each month, non-exempt family members must present a completed documentation form of qualifying activities performed for the previous month on the Certification of Community Service and/or Self-Sufficiency Hours Performed. This form will include places for signatures of supervisors, instructors, or counselors certifying the number of hours contributed. This information must be submitted monthly to the Property Manager or Assistant Manager, no later than the 5th of the month.
 - If a family member is found to be noncompliant at re-examination, he/she and the Head of Household will sign an agreement with GHA to make up the deficient hours over the next 12-month period, or certify that the non-compliant family member is no longer in the household.
 - If GHA has reasonable cause to believe that the certification provided by the family is false or fraudulent, GHA has the right to conduct an investigation and/or require third-party verification.
5. Change in exempt status:

Any change in status must be reported to GHA within 10 calendar days. This is the responsibility of the resident.

 - If, during the 12-month period, a non-exempt person becomes exempt, it is his/her responsibility to report this change to the management office and provide documentation of such. The exemption will be effective immediately upon proper notification.
 - If, during the 12-month period, an exempt person becomes non-exempt, it is his/her responsibility to report this to the management office. GHA will provide the person with the Recording/Certification Documentation Form and a list of agencies in the community that provide volunteer and/or training opportunities. The effective date of the community service requirement will be the first of the month following a 30-day notice.

C. GHA OBLIGATIONS

1. To the greatest extent possible and practicable, GHA will:
 - Provide names and contacts for agencies that can provide opportunities to residents, to assist them in fulfilling their Community Service obligations. Opportunities that accommodate elderly or disabled residents will be included.
 - Provide in-house opportunities for volunteer service or self-sufficiency programs.
2. GHA offices will provide the family with a copy of this policy and appropriate forms at move-in, annual reexamination, when a family member is determined to be subject to the community service requirement during the lease term and at any time upon the family's request. The policy and forms will also be provided at an interim if applicable.
3. The Property Manager will make the final determination as to whether or not a family member is exempt from the Community Service requirement. Residents may use the Grievance Procedure if they disagree with GHA's determination.
4. GHA will enforce non-compliance with the Community Service requirement.
 - At least thirty (30) days prior to annual re-examination and/or lease expiration, GHA will review the exempt or non-exempt status and compliance of family members. For individuals who are exempt because they are 62 years of age or older, verification of exemption status will be done only at the time of initial examination.
 - If GHA finds a family member to be non-compliant, the GHA will provide the family members the opportunity to cure the deficiency as evidenced by entering into a written agreement with the non-compliant members and the head of household to make up the deficient hours over the next 12-month period, or the family will certify that the non-compliant family member no longer resides in the unit (proper lease addendum).
 - If, at the next annual re-examination, the family member still is not compliant, the lease will not be renewed and the entire family would be issued a 30-day notice to vacate by the GHA, unless the non-compliant member agrees to move out of the unit and a lease addendum is signed with the family amending its composition accordingly.
 - The family may use the GHA Grievance Procedure to appeal the lease termination, after attending a private conference with the GHA representative.
 - If the family does not request a grievance hearing, or provide proper documentation within the required 10 calendar day timeframe, the family's lease and tenancy will automatically terminate at the end of the current lease term without further notice.

Enforcement Determinations and Documentation

GHA is required to initiate due process (see 24 CFR 966.53(c)) against households failing to comply with lease requirements including CSSR. When initiating due process, the following procedural safeguards are required:

- Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;
- Right of the tenant to be represented by counsel;
- Opportunity for the tenant to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and,
- A decision on the merits.



Goldsboro Housing Authority

700 North Jefferson Ave, Goldsboro, NC 27530
Telephone (919) 735-5650 ♦ Fax (919) 731-4402

Chief Executive Officer

Anthony Goodson, Jr.

ATTACHMENT A (Community Service)

Dear Mr./Ms.

Congratulations, and welcome to the Goldsboro Housing Authority (GHA) Public Housing Program. We are happy that you have selected the GHA as your primary place of residency. We want to make every effort to ensure that your housing experience with us is safe, decent and above all, amicable. However, this can only be accomplished through our joint efforts. Therefore, we need your assistance.

During your Public Housing Orientation, the GHA staff, informed you about certain provisions of your lease; i.e. tenant obligations and landlord obligations; both of which must be followed in order to create the kind of housing experience you can enjoy. One of your obligations is the performance of 8 hours of community service per month. Housing and Urban Development (HUD) has mandated that every adult member of the household who is 18 years old or older who is not exempt from the following criteria **MUST** complete 8 hours of community service. The only persons who would not be required to complete these hours are persons who are:

- 62 years old or older
- Blind or disabled or caretaker of such individual
- Engaged in work activities at least 20 hours per week (ask your manager for a list of qualified work activities)
- Participating in a Welfare to Work Program
- Receiving TANF and participating in the required economic self-sufficiency program or work activity required by the program

If you need to know if you are or are not required to perform these 8 hours of community service a month, you should contact your public housing manager as soon as possible. He or she will be glad to provide you with the necessary paperwork to fulfill the Mandatory Community Service Requirements.

Your failure to complete this HUD-Mandatory Community Service requirement could result in the refusal to renew your lease or eviction. Please, let's make every effort to keep you in compliance with the requirements of your lease.

Any questions, explanations or clarifications should be addressed with your manager. Again, thank you for your cooperation in this matter.

Sincerely,

Manager's name



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COMMUNITY SERVICE POLICY CERTIFICATION

I, _____, hereby certify that I received a copy of the Goldsboro Housing Authority (GHA) Community Service and Self-Sufficiency Requirement Policy regarding community service performed by every eligible household member 18 to 62 years of age. I understand that unless the resident enters into an agreement to comply with community service requirements, the resident's lease will not be renewed at the end of the term. I further understand that additional information about these requirements can be found in the lease, Chapter 15 of the GHA ACOP, and Attachment A (Community Service).

I also understand that I am to report any changes regarding my household standards such as employment, school and/or disability, etc. I understand that GHA will verify and keep a log of all eligible residents of their community service hours.

I understand that community service hours are a requirement of the Quality Housing and Work Responsibility Act of 1998 and that if I fail to comply with this requirement, my lease will not be renewed and I will be evicted.

My signature below certifies I received notice of this requirement at the time of initial program participation.

Applicant

Date

Spouse

Date

Co-Head of Household

Date

GHA Staff Member

Date



Goldsboro Housing Authority

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Chief Executive Officer

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ATTACHMENT "B"

Annual Renewal at Recertification

**Community Services and Self-Sufficiency Requirement Certification
For Non-Exempt Individuals**

Date:

Participant Name:

I understand that as a resident of public housing, I am required by law to contribute 8 hours per month of community service or participate in an economic self-sufficiency program. I certify I have complied with this requirement.

Signature: _____

Date of Signature: _____



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Community Service Exemption Certification

I, _____, certify that I am eligible for an
(Tenant's Name)

exemption from the Community Service requirement for the following reason:

- I am 62 years old or older
- I have a disability which prevents me from working (Certification of Disability Form will serve as documentation)
- I am currently working (employment verification form will serve as documentation)
- I am participating in a Welfare to Work Program (must provide verification letter from agency)
- I am receiving TANF and am participating in a required economic self-sufficiency program or work activity (Must provide verification from the funding agency that you are complying with job training or work requirements)
- I am engaged in other activities that qualify as work-related activities (attach appropriate documentation).

Tenant's Name

Date

Manager's Name

Date



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CHANGE IN STATUS FORM COMMUNITY SERVICE/SELF-SUFFICIENCY

Name (print)

Date Submitted

Full Address

City/State/Zip

I need to report a change of: (check the one that applies to you)

- a – Non-exempt become exempt
- b – Exempt becomes non-exempt

I understand that I must complete the Community Service Exemption Certification form with the appropriate documentation attached before a change can be made to exempt status for each family member claiming an exemption.

Requestor's signature



Chief Executive Officer

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Certification of Community Service and/or Self-Sufficiency Hours Performed

Federal law requires adult residents of public housing to provide eight (8) hours of community service per month or to receive eight (8) hours of self-sufficiency training per month as a condition for retaining their tenancy. This form should be signed by the supervisor of the organization/agency for whom service was provided or by the instructor where training was given each time service or training was provided.

Additional verification forms are available from the main office. Please retain and submit all completed verification forms as part of your annual recertification.

Name of Organization:		Name:		
Address:			Address:	
Telephone Number:			Telephone Number:	
Date	# of Volunteers and/or Course Hours	Description of Work performed and/or Course	Supervisor Printed Name Last, First	Supervisor Signature
Total Hours				

Completed Certification forms should be submitted monthly to your Property Manager.

FOR GHA OFFICE USE ONLY	
Manager's Signature:	Date:



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Goldsboro Housing Authority Community Service Non-Compliance Agreement/Attempt to Cure

Resident Name _____

Address _____

Account # and Development _____

I _____ agree and understand that I need to complete _____ community service hours to cure the deficiency hours that have accumulated since _____ (last re-exam date). I also understand that I am required to complete the deficiency while also performing the current requirement of 96 hours during the next twelve months.

Signatures:

Resident _____

Head of Household _____

Property Manager/Assistant _____

Date _____



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Chief Executive Officer

Anthony Goodson, Jr.

Community Service Reminder Notice

Date _____

Name _____

Address _____

Goldsboro, NC 27530

Dear (Ms./Mr.) _____:

This notice is to inform you that _____ is not in compliance with the Community Service Requirement. If you have any questions, you may contact your Property Manager.

Signature of Property Manager/Assistant

Chapter 16

PROGRAM INTEGRITY

INTRODUCTION

GHA is committed to assure that the proper level of benefits is paid to all tenants, and that housing resources reach only income-eligible families so that program integrity can be maintained.

GHA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the GHA's policies for the prevention, detection and investigation of program abuse and tenant fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will GHA undertake an inquiry or an audit of a tenant family arbitrarily or retaliatory. GHA's expectation is that tenant families will comply with HUD requirements, provisions of the lease, and other program rules. GHA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, GHA has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor tenants' lease obligations for compliance and, when indicators of possible abuse come to GHA's attention, to investigate such claims.

GHA will initiate an investigation of a tenant family only in the event of one or more of the following circumstances:

Referrals, Complaints, or Tips. GHA will follow up on referrals from other agencies, companies or persons that are received by mail, e-mail, or in person, which allege that a tenant family is in non-compliance with, or otherwise violating the lease or the program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the tenant file.

Internal File Review. A follow-up will be made if GHA staff discovers (as a function of a [re]certification, an interim redetermination, or a quality control review), information or facts, which conflict with previous file data, GHA's knowledge of the family, or is discrepant with statements made by the family.

Verification or Documentation. A follow-up will be made if GHA receives independent verification or documentation, which conflicts with representations in the tenant file (such as public record information or credit bureau reports, reports from other agencies).

B. STEPS GHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The management and occupancy staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and tenant families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by tenant families.

Things You Should Know: The program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the PHA's expectations for cooperation and compliance.

Program Orientation Session: Occupancy Department will conduct mandatory orientation sessions for all within a tenant's at the time of eligibility. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign an "Eligibility Certification of Orientation Attendance" to confirm that all rules and pertinent regulations were explained to them.

Resident Counseling: GHA will routinely provide tenant counseling as a part of every recertification interview in order to clarify any confusion pertaining to program rules and requirements.

Review and explanation of Forms: GHA will explain all required forms and review the contents of all (re)certification documents prior to signature.

Use of Instructive Signs and Warnings: Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.

Third-Party Verifications: GHA will use EIV and other third party verification whenever possible, and if using tenant supplied or other documents for verification purposes, GHA will document the attempts to obtain third party verification.

C. STEPS GHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

GHA Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

Quality Control File Reviews: Prior to initial certification, and at the completion of all subsequent recertifications, 10% of the tenant files will be reviewed. Such reviews shall include, but are not limited to:

- Changes in reported Social Security Numbers or dates of birth.
- Authenticity of file Documents.
- Third party and other verifications
- Differences between reported income and expenditures.
- Review of signatures for consistency with previously signed file documents.

Observation: GHA Management and Occupancy Staff (to include maintenance personnel)

will maintain high awareness of circumstances, which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.

Public Record Bulletins may be reviewed by Management and Staff.

State Wage Data Record Keepers: Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits.

Credit Bureau Inquiries: Credit Bureau inquiries may be made (with proper authorization by the tenant) in the following circumstances:

At the time of final eligibility determination

When a tenant's expenditures exceed his/her reported income, and no plausible explanation is given.

Use of UIV/EIV and Third-Party Computer Matching Verification: GHA shall use the Enterprise Income Verification and other computer matching systems for the determination of income, and other information that is available through computer matching. GHA will verify the existence of the families in EIV and use the HUD reports in the system to further confirm accuracy for RIM.

HUD created the Enterprise Income Verification (EIV) system to provide PHAs with a powerful tool for preventing errors and program abuse. PHAs are required to use the EIV system in its entirety in accordance with HUD administrative guidance [24 CFR 5.233]. PHAs are further required to:

- Provide applicants and residents with form HUD-52675, "Debts Owed to PHAs and Terminations."
- Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file.

Information regarding UIV and EIV is in Chapter 7, Verifications.

D. GHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

GHA staff will encourage all tenant families to report suspected abuse. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the tenant file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The Property Manager or other GHA staff will not follow up on allegations that are vague or otherwise non-specific. They will only review allegations, which contain one or more independently verifiable facts.

File Review: An internal file review will be conducted to determine:

If the subject of the allegation is a tenant of GHA and, if so, to determine the family has previously disclosed whether or not the information reported.

It will then be determined if GHA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary Review: If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Property Manager, Occupancy team, or other appropriate personnel will initiate an investigation to determine if the allegation is true or false.

E. HOW GHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If GHA determines that an allegation or referral warrants follow-up, the staff person who is responsible for the file will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. When required, GHA will secure the written authorization from the program participant for the release of information.

Credit Bureau Inquiries: In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity which conflicts with the reported income of the family.

Verification of Credit: In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.

Employers and Ex-Employers: Employers or ex-employers may be contacted to verify wages, which may have been previously undisclosed or misreported.

Neighbors/Witnesses: Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to GHA's review.

Other Agencies: Investigators, caseworkers or representatives of other benefit agencies may be contacted.

Public Records: If relevant, GHA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.

Interviews with Head of Household or Family Members: GHA will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate PHA office. If possible, an additional staff person will attend such interviews.

F. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED

BY GHA

Documents and other evidence obtained by GHA during the course of an investigation will be considered "work product" and will either be kept in the tenant file, or in a separate "work file." In either case, the tenant file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among GHA Staff unless they are involved in the process, or have information, which may assist in the investigation.

The findings will remain confidential and not shared with the source that reported the complaint.

G. CONCLUSION OF GHA'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to his/her supervisor or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

H. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, GHA will review the facts to determine:

- The type of violation (Procedural, non-compliance, fraud).
- Whether the violation was intentional or unintentional.
- Whether the tenant owes any money to the GHA.
- The eligibility of the family for continued occupancy.

I. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, GHA will propose the most appropriate remedy based upon the type and severity of the violation.

Procedural Non-compliance

This category applies when the tenant "fails to" observe a procedure or requirement of GHA, but does not misrepresent a material fact, and there is no retroactive rent owed by the family.

Examples of non-compliance violations are:

- Failure to appear at a pre-scheduled appointment.
- Failure to return verification in time period specified by GHA.

Warning Notice to the Family. In such cases a notice will be sent to the family, which contains the following:

- A description of the non-compliance and the procedure, policy or obligation, which was

violated.

- The date by which the violation must be corrected, or the procedure complied with.
- The action, which will be taken by GHA if the procedure or obligation is not complied with by the date specified by GHA.
- The consequences of repeated (similar) violations.

Procedural Non-compliance - Retroactive Rent

When the tenant owes money to GHA for failure to report changes in income or assets, GHA will issue a Notice of Rent Adjustment. This Notice will contain the following:

- A description of the violation and the date(s).
- Any amounts owed to the PHA.
- The right to disagree and to request an informal hearing with instructions for the request of such hearing.

Tenant Fails to Comply with GHA's Notice. If the Tenant fails to comply with GHA's notice, and a material provision of the lease has been violated, GHA will initiate termination of tenancy.

Tenant Complies with GHA's Notice. When a tenant complies with GHA's notice, the staff person responsible will meet with him/her to discuss and explain the obligation or lease provision, which was violated. The staff person will document to the tenant file that the tenant has complied.

Intentional Misrepresentations

When a tenant falsifies, misstates, omits or otherwise misrepresents a material fact, which results (or would have resulted) in an underpayment of rent by the tenant, GHA will evaluate whether or not:

- The tenant had knowledge that his/her actions were wrong, and
- That the tenant willfully violated the lease or the law.

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the tenant was made aware of program requirements and prohibitions. The tenant's signature on various certifications, briefing certificate, Personal Declaration and *Things You Should Know* are adequate to establish knowledge of wrongdoing.

The tenant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

- An admission by the tenant of the misrepresentation.
- That the act was done repeatedly.

-
- If a false name or Social Security Number was used.
 - If there were admissions to others of the illegal action or omission.
 - That the tenant omitted material facts, which were known to them (e.g., employment of self or other household member).
 - That the tenant falsified, forged or altered documents.
 - That the tenant uttered and certified to statements at a rent (re)determination, which were later independently verified to be false.

 - Offering bribes or illegal gratuities to the GHA Board of Commissioners, employees, contractors or other GHA representatives.
 - Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to GHA on the family's behalf.
 - Use of a false name or the use of falsified, forged or altered documents.
 - Intentional misreporting of family information or circumstances (e.g., misreporting of income, expenses or family composition).
 - Omitted facts that were obviously known by a family member (e.g., not reporting employment income).
 - Admission of program abuse by an adult family member.
 - Allowing unauthorized occupants to reside in the assisted unit.

The Tenant Conference for Serious Violations and Misrepresentations

When GHA has established that material misrepresentation(s) have occurred, a Tenant Conference will be scheduled with the family representative and the GHA staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by GHA. The purpose of such conference is to review the information and evidence obtained by GHA with the tenant, and to provide the tenant an opportunity to explain any document findings which conflict with representations in the tenant file. Any documents or mitigating circumstances presented by the tenant will be taken into consideration by GHA. The tenant will be given 5 working days to furnish any mitigating evidence.

A secondary purpose of the Tenant Conference is to assist GHA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, GHA will consider:

- The duration of the violation and number of false statements.
- The tenant's ability to understand the rules.
- The tenant's willingness to cooperate, and to accept responsibility for his/her actions.
- The amount of money involved.

- The tenant's past history.
- Whether or not criminal intent has been established.

Dispositions of Cases Involving Misrepresentations

In all cases of misrepresentations involving efforts to recover monies owed, GHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

Criminal Prosecution: If GHA has established criminal intent, and the case meets the criteria for prosecution, GHA may:

Refer the case to HUD's OIG, and terminate rental assistance.

Administrative Remedies: GHA may:

- Terminate tenancy and demand payment of restitution in full.
- Terminate tenancy and execute an administrative repayment agreement in accordance with the GHA's Repayment Policy.
- Permit continued occupancy at the correct rent and execute an administrative repayment agreement in accordance with GHA's Repayment Policy.

Notification to Tenant of Proposed Action

GHA will notify the tenant of the proposed action in writing no later than 10 working days after the tenant conference by mail.

The notice will include (1) a description of the error or program abuse, (2) the basis on which GHA determined the error or program abuses, (3) the remedies to be employed and (4) the family's right to appeal the results through an informal hearing or grievance hearing.

Chapter 17

CRIMINAL RECORDS and RECORDS MANAGEMENT POLICY

INTRODUCTION

In the course of its regular operations, GHA comes into possession of confidential records, including criminal records and documents related to criminal offenses of applicants (i.e. drug and alcohol abuse treatment documentation). While necessary to accomplish Housing Authority business, these records must be maintained in a confidential manner to avoid improper use.

The Housing Authority may also be called upon to perform criminal record and other record checks regarding applicants or tenants housing eligibility.. GHA shall maintain the records received for these residents or applicants in the manner prescribed in this policy.

The PHA must keep the last three years of the Form HUD-50058 and supporting documentation during the term of each assisted lease, and for a period of at least three years from the end of participation (EOP) date [24 CFR 908.101].

Process

All applicant and participant information will be kept in a secure location and access will be limited to authorized GHA staff. GHA staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

During the term of each public housing tenancy, and for at least 4 years thereafter, GHA will keep all documents related to a family's eligibility, tenancy and termination. In addition, GHA will keep the following records for at least 4 years:

- An application from each ineligible family and notice that the applicant is not eligible.
- Lead-based paint records as required by 24 CFR 35, Subpart B.
- Documentation supporting the establishment of flat rents and the public housing maximum rent.
- Documentation supporting the establishment of utility allowances and surcharges.
- Documentation related to PHAS.
- Accounts and other records supporting GHA budget and financial statements for the program.
- Other records as determined by GHA or as required by HUD.

If a hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents.

Upfront Income Verification (UIV) Records

PHAs that access UIV data through HUD's Enterprise Income Verification (EIV) System are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with Federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification (UIV) Data*. GHA has adopted and implemented EIV security procedures as required by HUD.

A. ACQUISITION

All adult applicants shall complete the required forms authorizing the release of criminal record history to the Authority upon application for housing, or at any time an existing resident household wishes to add an adult member to the lease. Through its cooperative agreement with local law enforcement, criminal records will be requested for the purpose of screening adult applicants for housing.

All requests for criminal records and records relating to criminal history shall be sent to the designated Eligibility Specialist. Only the designated Eligibility Specialist, the CEO or designee, and the Hearings Officer, shall have access to these records (the Human Resources Manager has access to criminal records only for the purpose of screening employees/potential employees of the Housing Authority, and does not have access to criminal background checks obtained for the purpose of applicant screening). The designated Eligibility Specialist, CEO or designee, and Hearing Officer shall discuss the records with other Authority employees only as required to make a housing decision.

B. MAINTENANCE

GHA will keep all criminal records or records relating to criminal history in a confidential manner. These records will be used only to screen applicants for housing or to pursue evictions. The records will not be disclosed to any person or entity except for official use in the application process, Hearing process, in accordance with the regulations, and/or in court proceedings. No copies will be made of the records except as required for official or court proceedings.

Criminal records or records relating to criminal history status are maintained in a separate file from other application or eviction information. These files are maintained in locked cabinetry in a secured office with limited access. The designated Eligibility Specialist, Legal Clerk and Hearing Officer are the only employees having access to the cabinet or to the office.

GHA has adopted and implemented EIV security procedures as required by HUD.

C. DISPOSITION

Unless local law prohibits, In the event eligibility is denied, criminal records shall be destroyed at the conclusion of 60 calendar days, affording the applicant or resident the opportunity for a Hearing. The 60 calendar days may be extended in order to complete an action underway (i.e. Hearing, court proceeding), but the record shall be destroyed upon finalization of the action. A notation of the nature, type and identification of the criminal record shall be noted in the applicant's file. Destruction of such criminal records will consist of shredding and thereafter proper disposal.

Medical/Disability Records

PHAs are not permitted to inquire about the nature or extent of a person's disability. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA should not place this information in the tenant file.

Domestic Violence, Dating Violence, or Stalking Records

For requirements and PHA policies related to management of documentation obtained from victims of domestic violence, dating violence, or stalking, see section 16-VII.E.

Eligible Immigration Status Documents

The following documents will be retained for a minimum of 5 years if provided as part of the INS appeal or informal hearing process: the application; form completed by family for family reexamination; photocopies of any original documents (front and back), including original INS documents; signed verification consent form; INS verification results (primary and secondary); request for an INS appeal; final INS determination; request for an informal hearing; and final informal hearing decision.

D. PRIVACY PROTECTION ON RECORDS (PIH Notice 2010-15)

Overview

GHA is responsible for safeguarding **Personally Identifiable Information (PII)** required by HUD and preventing potential breaches of this sensitive data. GHA and HUD are committed to protecting the privacy of individuals' information stored electronically or in paper form, in accordance with federal privacy laws, guidance, and best practices. HUD expects GHA and other parties who collect, use, maintain, or disseminate HUD information to protect the privacy of that information in accordance with applicable law.

General HUD program requirements are set forth in 24 C.F.R. Part 5. Compliance with the Privacy Act and other requirements for grants and contracts is spelled out in 24 C.F.R. § 5.212, which states:

- *Compliance with the Privacy Act.* The collection, maintenance, use, and dissemination of SSNs, EINs, any information derived from SSNs and Employer Identification Numbers (EINs), and income information under this subpart shall be conducted, to the extent applicable, in compliance with the Privacy Act (5 U.S.C. 552a) and all other provisions of Federal, State, and local law.
- *Privacy Act Notice.* All assistance applicants shall be provided with a Privacy Act notice at the time of application. All participants shall be provided with a Privacy Act notice at each annual income recertification. The Federal Acquisition Regulation (FAR), 48 C.F. R. Subpart 1524.1, sets forth that compliance with the requirements of the Privacy Act be included in HUD contracts at clause 52.224-2.

Personally Identifiable Information (PII)

The PII is defined in OMB M-07-16 as “. . . information which can be used to distinguish or trace an individual’s identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name, etc.”

Sensitive Personally Identifiable Information

Sensitive Personally Identifiable Information is defined as PII that when lost, compromised or disclosed without authorization could substantially harm an individual. Examples of sensitive PII include social security or driver’s license numbers, medical records, and financial account numbers such as credit or debit card numbers.

Guidance on Protecting Sensitive Privacy Information

The Privacy Act requires that federal agencies maintain only such information about individuals that is relevant and necessary to accomplish its purpose. The Privacy Act also requires that the information be maintained in systems or records – electronic and paper – that have the appropriate administrative, technical, and physical safeguards to protect the information, however current. This responsibility extends to contractors and GHA, who are required to maintain such systems of records by HUD.

GHA will take the following steps to help ensure compliance with these requirements:

- 1) Limit Collection of PII
 - Do not collect or maintain sensitive PII without proper authorization. Collect only the PII that is needed for the purposes for which it is collected.
- 2) Manage Access to Sensitive PII
 - Only share or discuss sensitive PII with those personnel who have a need to know for purposes of their work. Challenge anyone who asks for access to sensitive PII for which you are responsible.
 - Do not distribute or release sensitive PII to other employees, contractors, or other third parties unless you are first convinced that the release is authorized, proper and necessary.
 - When discussing sensitive PII on the telephone, confirm that you are speaking to the right person before discussing the information and inform him/her that the discussion will include sensitive PII.
 - Never leave messages containing sensitive PII on voicemail.
 - Avoid discussing sensitive PII if there are unauthorized personnel, contractors, or guests in the adjacent cubicles, rooms, or hallways who may overhear your conversations.
 - Hold meetings in a secure space (i.e., no unauthorized access or eavesdropping possible) if sensitive PII will be discussed and ensure that the room is secured after the meeting.

- Treat notes and minutes from such meetings as confidential unless you can verify that they do not contain sensitive PII.
 - Record the date, time, place, subject, chairperson, and attendees at any meeting involving sensitive PII.
- 3) Protect Hard Copy and Electronic Files Containing Sensitive PII
- Clearly label all files containing sensitive PII by placing appropriate physical labels on all documents, removable media such as thumb drives, information systems, and application. Examples of appropriate labels might include “ For Official Use Only” or “ For (Name of Individual/Program Office) Use Only.”
 - Lock up all hard copy files containing sensitive PII in secured file cabinets and do not leave unattended.
 - Protect all media (e.g., thumb drives, CDs, etc.) that contain sensitive PII and do not leave unattended. This information should be maintained either in secured file cabinets or in computers that have been secured.
 - Keep accurate records of where PII is stored, used, and maintained.
 - Periodically audit all sensitive PII holdings to make sure that all such information can be readily located.
 - Secure digital copies of files containing sensitive PII. Protections include encryption, implementing enhanced authentication mechanisms such as two factor authentication and limiting the number of people allowed access to the files.
 - Store sensitive PII only on workstations that can be secured, such as workstations located in areas that have restricted physical access.
- 4) Protecting Electronic Transmissions of Sensitive PII via fax, email, etc.
- When faxing sensitive PII, use the date stamp function, confirm the fax number, verify that the intended recipient is available, and confirm that he/she has received the fax. Ensure that none of the transmission is stored in memory on the fax machine, that the fax is in a controlled area, and that all paper waste is disposed of properly (e.g., shredded). When possible, use a fax machine that uses a secure transmission line.
 - Before faxing PII, coordinate with the recipient so that the PII will not be left unattended on the receiving end.
 - When faxing sensitive PII, use only individually-controlled fax machines, not central receiving centers.
 - Do not transmit sensitive PII via an unsecured information system (e.g., electronic mail, Internet, or electronic bulletin board) without first encrypting the information.

- When sending sensitive PII via email, make sure both the message and any attachments are encrypted.
 - Do not place PII on shared drives, multi- access calendars, the Intranet, or the Internet.
- 5) Protecting Hard Copy Transmissions of Files Containing Sensitive PII
- Do not remove records about individuals with sensitive PII from facilities where HUD information is authorized to be stored and used unless approval is first obtained from a supervisor. Sufficient justification, as well as evidence of information security, must be presented.
 - Do not use interoffice or translucent envelopes to mail sensitive PII. Use sealable opaque solid envelopes. Mark the envelope to the person's attention.
 - When using the U.S. postal service to deliver information with sensitive PII, double-wrap the documents (e.g., use two envelopes – one inside the other) and mark only the inside envelope as confidential with the statement "To Be Opened By Addressee Only"
- 6) Records Management, Retention and Disposition
- Follow records management laws, regulations, and policies applicable within your jurisdiction.
 - Ensure all GHA locations and all entities acting on behalf of the Authority are managing records in accordance with applicable laws, regulations, and policies.
 - Include records management practices as part of any scheduled oversight protocols.
 - Do not maintain records longer than required.
 - Destroy records after retention requirements are met.
 - Dispose of sensitive PII appropriately – use crosscut shredders or burn bags for hard copy records and permanently erase (not just delete) electronic records.
- 7) Incident Response
- Supervisors should ensure that all personnel are familiar with reporting procedures.
 - Promptly report all suspected compromises of sensitive PII related to HUD programs and projects to the CEO or designee.

Chapter 18

SECURITY DEPOSITS

INTRODUCTION

Tenant security deposits are required to minimize collection losses and to encourage tenants to leave their apartments clean and in good condition when they vacate.

A. SECURITY DEPOSIT AMOUNT

The security deposit amount cannot exceed one month's rent or a reasonable fixed amount as determined by GHA. The security deposit for Public Housing shall be the greater of \$150 or one month's rent.

Security deposits will not be updated for current residents after the effective date of this policy.

GHA will not use the security deposit for payment of rent or other charges while the tenant is living in the unit.

B. PAYMENT AGREEMENT

Upon mutual agreement by both parties, arrangements may be made to pay the security deposit in installments not to exceed 3 months. The resident must sign a payment agreement if the entire amount is not paid at the time of move-in.

The payment agreement will require 1/3 of the amount to be paid at move-in with 2 additional monthly payments.

C. ADDITIONAL SECURITY DEPOSIT PROCEDURES

The security deposit amount will be held by GHA until the termination of the resident's lease and vacating of the unit by the resident. After vacate and inspection, the security deposit may be returned to the resident if:

- 1) There is no unpaid rent or other charges.
- 2) The unit, exterior surroundings, and all equipment therein are left clean.
- 3) There is no breakage or damage that is not due to normal wear and tear.
- 4) There is no equipment missing.
- 5) The security deposit for cases of unauthorized wallpapering or painting will be fully refundable should the resident restore the unit back to original condition with normal wear and tear accepted.

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- 6) A fourteen-day (14) written notice is provided to GHA and the keys to the dwelling are surrendered to the management office.

Refund of Security Deposit

GHA will refund to the Tenant the amount of the security deposit, less any amount needed to pay the cost of:

- Unpaid Rent;
- Damages listed on the Move-Out Inspection Report that exceeds normal wear and tear;
- Other charges under the Lease.

GHA will provide the tenant or designee identified above with a written list of any charges against the security deposit. GHA will advise the resident of their right to dispute any move-out charges within 10 days of receipt of the move-out documents. If the tenant disputes the amount charged within the required deadline, GHA will contact the resident and provide a meeting to discuss the charges.

GHA will refund the Security Deposit less any amounts owed, within 30 days of move out and tenant's notification of new address.

If amounts owed exceed the amount of the Security Deposit, no refund will be made and the balance shall be charged to the tenant.

D. TRANSFER OF SECURITY DEPOSIT

If a resident transfers, the original security deposit will transfer to the new unit. Any unpaid charges accrued by the tenant will survive the transfer. This shall include any unbilled or unposted fees or charges such as utilities, maintenance, or vacate charges related to the transfer.

Chapter 19

EVICITION POLICY AND PROCEDURES

A. OVERVIEW

The eviction of a resident from Public Housing is a serious matter. Eviction is not the preferred method of resolving agency or resident problems. However, when all other reasonable efforts have failed, resident eviction becomes necessary to enforce reasonable rules and regulations of the agency and to ensure that the individual rights of the resident population as a whole are protected.

This eviction policy and procedure IS IN ADDITION TO AND INTENDED TO SUPPLEMENT AND CLARIFY THE ALLOWED GROUNDS FOR EVICTION UNDER THE LEASE(S) and the Admission and Occupancy Policies.

B. CAUSES FOR EVICTION

Tenancy may be terminated for **serious and/or repeated** violations of material terms of the lease agreement. See Chapter 12 for HUD Mandatory and Other Authorized Reasons for Lease Terminations. The most common causes of lease termination are as follows:

1. Failure to pay rent;
2. Failure to pay charges other than rent (maintenance repair costs, late fees, repayment agreements, or other charges as applicable);
3. Drug-related criminal activity on or off GHA premises;
4. Disruptive, violent, or criminal behavior that threatens the health, safety or right to peaceful enjoyment of the premises;
5. Unit damage/destruction;
6. Failure to maintain the unit in a decent, safe and sanitary condition;
7. Assignment of lease, subletting of premises, or providing accommodations for persons not on the lease;
8. Failure to appear for scheduled appointments or failure to provide information to management for continued occupancy recertifications (“family obligations”);

Note: The above listing is not all-inclusive of evictable violations. Violation of any material term of the lease agreement may be grounds for lease termination/eviction.

C. DOCUMENTATION AND PROCESSING THE REQUEST FOR EVICTION

Documentation Sources

The Property Manager, prior to filing any action with the Courts, shall compile all the necessary documentation regarding the tenant(s) failure to uphold the material terms of the lease.

Documentation must clearly support the need for eviction. Documentation must show that all other reasonable efforts to resolve the problem and to enforce the rules and regulations have been made by the Property Manager, and/or other GHA staff as applicable (i.e. Inspectors, Hearing Officers, Resident Services), or that the seriousness of such offense requires immediate action. Documentation may include but is not limited to one or more of the following items:

- Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.
- Incident Report or other written statement from law enforcement;
- Written statements from credible neighbors and/or residents;
- Written statements from GHA staff acting as eye-witnesses;
- Photographic evidence;
- UPCS Inspection Report, maintenance inspection, maintenance work order;
- Prior written warnings from Property Manager (Written warnings must quote the applicable lease provision violated).

In the event that the eviction is for violation of health/safety (commonly referred to as “housekeeping”) or for tenant damages, tenants must have been afforded the opportunity to pay the costs for repairs and failed to do so or failed to comply with other mandatory corrective actions or follow-up procedures (re-inspections, referral of tenant to outside service agencies for assistance) have failed to remedy the deficiency.

The Property Manager is authorized to serve the initial notice and to proceed in the action, up to and including filing the legal documents with the Courts as dictated by the appropriate jurisdiction.

D. TYPES OF EVICTION NOTICES AND FILING PROCEDURES

14-Day Notice for Non-Payment of Rent

Notice (*Notice of Charges Due*) shall be served for delinquency of rent. Notice may be served by:

- (a) Personal Service: Notice to a tenant shall be in writing and delivered to the tenant or to an adult member (person over the age of 18) of the tenant's household residing in the dwelling; or,
- (b) First class mail: Notice may be sent by prepaid first-class mail, properly addressed to the tenant. Service by mail shall be complete upon deposit of the notice in a postpaid,

- properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office,
- (c) Conspicuous Service (with Notice adhered to premise door).

In the event of Personal Service, copies of the Notice will be mailed to the Head of Household. If the tenant is visually impaired, all notices must be in an accessible format.

Lockout paperwork (*Complaint for Summary Ejection*) shall be filed with the appropriate jurisdictional Court in the event payment is not received in full prior to the Notice deadline.

Court Costs:

The resident will be charged related court costs according to the posted Schedule of Charges provided by the Court.

30-Day Notice for Lease Violations

For general lease violations not including drug or criminal activity or activity posing an extreme threat to health/safety, a 30-Day Notice is served to the resident household (*30-Day Notice of Violation of Lease and Intent to Terminate*) citing the provision(s) of the Lease violated.

The 30-Day Notice shall state specific grounds for termination, and shall inform the tenant of the tenant's right to make such reply as the tenant may wish. The notice shall also inform the tenant of the right to examine GHA documents directly relevant to the termination or eviction. When the GHA is required to afford the tenant the opportunity for a grievance hearing, the notice shall also inform the tenant of the tenant's right to request a hearing in accordance with GHA's grievance procedure.

When the GHA is not required to afford the tenant the opportunity for a hearing under the GHA administrative grievance procedure for a grievance concerning the lease termination, and the GHA has decided to exclude such grievance from the GHA's grievance procedure, the notice of lease termination shall:

- (A) State that the tenant is not entitled to a grievance hearing on the termination.
 - (B) Specify the judicial eviction procedure to be used by the GHA for eviction of the tenant, and state that HUD has determined that this eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process.
 - (C) State whether the eviction is for a criminal activity or for a drug-related criminal activity.
- In the event the resident grieves the action (in compliance with the Grievance Procedure or Court), the Eviction is stayed until such time as a decision is rendered.

In the event the resident does not grieve the action and the Notice period elapses, or, in the event the resident grieves the action and the Hearing results in a recommendation to proceed with the Eviction and the Notice period has elapsed, the Property Manager shall file action with the Court requesting removal of the family and release of the unit.

Criminal Activity

As stated in the GHA “One Strike and You’re Out” Policy, any person who while a resident of the Authority is found to have engaged in one of more of the following specified criminal offenses or disruptive behaviors on any property owned by the Authority, or in the case of drug-related criminal activity committed any violation whether or not such offense was committed on or off Authority property, the resident, tenant and/or the entire household *shall be evicted* from the Authority dwelling unit. For the purposes of this section, proof of engaging in or committing a prohibited act shall not require a formal court proceeding or conviction, but rather may be based solely upon evidence of arrest for a proscribed act or other competent and reliable evidence tending to suggest that such a criminal offense or prohibited act was committed. The criminal activities and other disruptive behaviors that will result in eviction include but are not limited to:

- Any violation (relating to Homicide)
- Any violation (relating to Assault or Battery)
- Any violation (relating to Sexual Battery)
- Any violation (relating to Lewd and Lascivious Behavior)
- Any violation (relating to Robbery, Car Jacking and Home Invasion Robbery)
- Any violation (relating to Weapons and Explosives)
- Any violation (relating to the Possession, Sale or Distribution of Controlled Substances)
- Any violation (relating to Kidnapping and False Imprisonment)
- Any violation (relating to Burglary and Trespass)
- Any violation (relating to Arson and Criminal Mischief)
- Any violation (relating to Child Abuse)
- Any violation (relating to Threats and Extortion)
- Any violation (relating to Disorderly Intoxication)
- Any violation (relating to Disorderly Conduct and Breach of Peace)
- Any other violation of any state or federal law which contains as an element of the offense the use of force or violence, the possession of a controlled substance, or the presence of a state of intoxication or inebriation.
- Any disruptive or dangerous activity or conduct of a person while on Authority property, which is committed while such person is intoxicated or in an inebriated state.

The GHA will immediately and permanently terminate tenancy of persons convicted of manufacturing or producing methamphetamine on GHA premises in violation of any Federal or

State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

5-Day Expedited Notice

5-Day Expedited Notice (*Notice of Violation of Lease with Intent to Terminate*) is served in cases of drug-related criminal activity, violent criminal activity, or any activity of an extreme nature that pose a threat to the health/safety of others including other residents, GHA employees, or persons residing in the immediate vicinity of the premises.

The 5-day Expedited Notice shall:

- (A) State that the tenant is not entitled to a grievance hearing on the termination.
 - (B) Specify the judicial eviction procedure to be used by the GHA for eviction of the tenant, and state that HUD has determined that this eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations.
 - (C) State whether the eviction is for a criminal activity or for a drug-related criminal activity.
- Any response the resident shall make in regard to such Notice shall be made to the court of law in the jurisdiction in which the Notice was issued.

In the event the resident does not vacate the unit within the 5-day Notice period, the Property Manager shall file action with the Court requesting removal of the family and release of the unit

E. ACCEPTANCE OF PAYMENTS DUE WHILE UNDER EVICTION

Evictions for Non-Payment

The GHA shall not be barred from evicting the Tenant because of the acceptance of rent after giving notice of termination of the Lease, even for the non-payment of rent.

**GHA will not accept personal or private third party checks in matters of eviction for non-payment. If the resident desires to cease the eviction action through payment of all charges, payment must be made by money order. (Third party checks are acceptable from known social service agencies.)*

Evictions for Reasons Other than Non-Payment

The fact that a grievance has been presented or a hearing requested under the Grievance Procedure because of termination of the Lease, shall not relieve Tenant from the responsibility to continue to pay rent and the GHA's acceptance of rent after giving notice of termination as provided herein during the time a proceeding under the Grievance Procedure is pending shall not be considered as a renewal of the Lease or a waiver of the termination of the Lease, and if the decision of the GHA to terminate the lease is upheld, the GHA shall not be barred from evicting the Tenant because of the acceptance of rent after giving notice of termination of the Lease, even for the non-payment of rent.

In the event that there is an ongoing court proceeding, such payment may be requested to be paid to the Court.

F. DECISIONS OF THE COURT

In matters of Eviction, all Evictions pursued by GHA are subject to civil law including evictions for drug-related or criminal activity.

The decisions of the presiding Court shall be considered final in all matters of eviction unless through Administrative Review it is found that staff has erred or other similar mitigating circumstances prevail. In cases wherein the decision of the Court is subject to reversal, the complete file (hardcopy of tenant file, all Eviction documentation) shall be presented to the CEO or designee for review and decision. Only the CEO or designee may reverse a decision of the Court and reinstate an Evicted household.

G. TERMINATIONS PROTECTED BY VAWA

Criminal Activity directly relating to domestic violence, dating or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of the tenancy or occupancy rights, if the tenant or an immediate member of the tenant's family is the victim of threatened victim of that domestic violence, or stalking.

The GHA may bifurcate the lease to terminate assistance to remove a lawful occupant or tenant who engages in criminal acts of violence to a family members or others without terminating assistance/evicting victimized lawful occupants.