

## ADMISSIONS AND CONTINUED OCCUPANCY POLICY

This Admissions and Continued Occupancy Policy defines the Whiteville Housing Authority's policies for the operation of the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

## FAIR HOUSING

### APPLICABLE STATUTES

It is the policy of the Whiteville Housing Authority to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. The Whiteville Housing Authority shall affirmatively further fair housing in the administration of its public housing program. No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Whiteville Housing Authority's programs. To further its commitment to full compliance with applicable Civil Rights laws, the Whiteville Housing Authority will provide Federal/State/local information to applicants/residents of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Whiteville Housing Authority office.

The Whiteville Housing Authority will assist any family that believes they have suffered illegal discrimination by providing the family with copies of the appropriate housing discrimination forms. The Whiteville Housing Authority will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

## REASONABLE ACCOMMODATION

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Whiteville Housing Authority housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the Whiteville Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Whiteville Housing Authority will ensure that all applicants/residents are aware of the opportunity to request reasonable accommodations.

## NOTIFICATION TO THE PUBLIC

The Whiteville Housing Authority will publicize the availability and nature of the Public Housing Program for extremely low-income, very low income, and low-income families in a newspaper of general circulation, minority media, and by other suitable means. The Whiteville Housing Authority will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program. The objective of this effort is to develop a waiting list that is representative of the low-income community. A particular emphasis will be placed on attracting eligible individuals and families least likely to apply for public housing.

## RIGHT TO PRIVACY - FEDERAL PRIVACY ACT STATEMENT

All adult members of both applicant and resident households are required to annually sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement. Any request for applicant or resident information will not be released unless there is a signed release of information request from the applicant or resident.

## ACCESSIBLE DOCUMENTS

In the Whiteville Housing Authority Lobby it will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. A listing of all the communities by name, address, number of units, units designed with special accommodations, address of all community offices, office hours, telephone numbers, TDD numbers, and Resident Facilities and operation hours
- C. Income Limits for Admission

- D. Utility Allowance Schedule
- E. Current Schedule of Routine Maintenance Charges
- F. Dwelling Lease
- G. Grievance Procedure
- H. Fair Housing Poster
- I. Equal Opportunity in Employment Poster
- J. Any current Whiteville Housing Authority Notices

**TAKING APPLICATIONS**

Each family seeking admission to the low-income public housing program must complete an application signed by the head of the family, spouse, or other responsible party. This application will be reviewed by staff to determine the applicant's eligibility based on income guidelines and family by definition. Each applicant will be advised in writing, at the earliest date possible, as to his or her eligibility for the Public Housing Program. Each applicant determined to be eligible will then be placed on a waiting list (if they cannot be housed immediately) and advised of their status on the waiting list.

The application will request all information relative to previous housing, total family income, and total income from assets, value of assets, medical expenses (elderly, disabled or handicapped only), full-time student status, and child care expense.

The above information will require verification of third parties. Third party oral verification must be properly documented as to time, date, source, and signed by the Public Housing Authority staff member who made the contact. When written or oral third party verifications are impossible to obtain, applicable documents may be photocopied except when prohibited by law (i.e., government checks). Sources of information may include, but not be limited to, the applicant, landlords, employers, family social workers, parole officers, court records, drug treatment centers, clinics, physicians or police departments where warranted by the particular circumstances. All verifications shall be maintained in the applicant's file. All applicants must produce the name, address and phone number of their current/previous landlord or they will be considered ineligible.

Verified information will be analyzed and a determination will be made with respect to the following:

- a. Eligibility of applicant with respect to back monies owed to the Whiteville Housing Authority or previous non-compliance with a federally subsidized rental assistance program;
- b. Eligibility of applicant as a family;
- c. Eligibility of applicant with respect to income limits for admission;
- d. Eligibility of applicant with respect to standards for admission;
- e. Size of unit required for family; and
- f. Rent, which the family should pay.

Failure to provide a landlord reference or failure to respond with verification within 14 days will automatically be an ineligible determination excluding cases wherein the landlord refuses to cooperate as verified by WHA staff. In such instances, attempts will be made to contact previous landlord. Where no landlord exists, applicant will provide at least three (3) reference letters.

## ELIGIBILITY CRITERIA

### Family Status

All families must have a Head of Household or Co-Head of Household

1. A family with or without children. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship and share resources.

a. Children temporarily absent from the home due to placement in foster care are considered family members.

b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.

2. An elderly family, which is:

a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;

b. Two or more persons who are at least 62 years of age living together; or

c. One or more persons who are at least 62 years of age living with one or more live-in aides.

3. A near-elderly family, which is:

a. A family whose head and spouse, or sole member is at least 55 years of age but below the age of 62;

b. Two or more persons, who are at least 55 years of age but below the age of 62, living together; or

c. One or more persons, who are at least 55 years of age but below the age of 62, living with one or more live-in aides.

4. A disabled family, which is:

a. A family whose head, spouse, or sole member is a person with disabilities;

b. Two or more persons with disabilities living together; or

c. One or more persons with disabilities living with one or more live-in aides.

d. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

5. A displaced family, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

6. A remaining member of a resident family is a family member of an assisted family who remains in the unit when other family members have left the unit. WHA will approve a temporary guardian to move into the unit after the individual has been screened for suitability for the program. WHA will work with the Department of Social Services as necessary.

7. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a resident family.

#### Income Eligibility

1. To be eligible for admission to the Whiteville Housing Authority the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.

2. Income limits apply only at admission and are not applicable for continued occupancy.

3. Income limit restrictions do not apply to families transferring.

4. The Whiteville Housing Authority may allow police officers who would not otherwise be eligible for occupancy in public housing to reside in a public housing dwelling unit. Such occupancy must be needed to increase security for public housing residents. Their rent shall at least equal the cost of operating the public housing unit.

#### C. Citizenship/Eligibility Status

1. To be eligible for public housing each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a) or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.

2. Family eligibility for assistance.

a. A family shall not be eligible for assistance unless at least one member of the family residing in the unit is determined to have eligible status, with the exception noted below.

b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance (See Section 13.5 for calculating rents under the non-citizen rule).

c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

#### D. Social Security Number Documentation

Prior to admission, every family member regardless of age must provide WHA with a complete and accurate Social Security Number unless they do not contend eligible immigration status. New family members must provide this verification within ninety (90) days prior to being added to the lease. WHA may grant one ninety (90) day extension if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person. If a person is already a program participant and has not disclosed his or her Social Security Number, it must be disclosed at the next re-examination or re-certification. Participants aged 62 or older as of January 31, 2010 whose initial eligibility determination was begun before January 31, 2010 is exempt from the required disclosure of their Social Security Number. This exemption continues even if the individual moves to a new assisted unit. The best verification of the Social Security Number is the original Social Security card. If the card is not available, WHA will accept an original document issued by a federal or state government agency, which contains the name of the individual and the Social Security Number of the individual, along with other identifying information of the individual or such other evidence of the Social Security Number as HUD may prescribe in administrative instructions. If a member of an applicant family indicates they have a Social Security Number, but cannot readily verify it, the family cannot be assisted until verification is provided. If the Social Security Number of each household member cannot be provided to the WHA within 90 days of it being requested, the family shall lose its place on the waiting list and drop to the bottom of the list. During these 90 days, if all household members have not disclosed their SSN at the time a unit becomes available, WHA must offer the available unit to the next eligible applicant family on the waiting list. If an individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated. WHA may grant one ninety (90) day extension from termination if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a Social Security Number by the deadline.

#### E. Signing Consent Forms

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.

2. The consent form must contain, at a minimum, the following:

- a. A provision authorizing HUD or the Whiteville Housing Authority to obtain from State Wage information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
- b. A provision authorizing HUD or the Whiteville Housing Authority to verify with previous or current employers or other sources of income information pertinent to the family's eligibility for or level of assistance;
- c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits;
- d. A statement allowing the Whiteville Housing Authority permission to access the applicant's criminal record with any and all police and/or law enforcement agencies; and
- e. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

#### SUITABILITY

A. The Whiteville Housing Authority will evaluate past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other residents, Whiteville Housing Authority employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

B. The Whiteville Housing Authority will consider objective and reasonable aspects of the family's background, including the following:

- 1. History of meeting financial obligations, especially rent, and any utility payments;
- 2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other residents;
- 3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other residents or staff or cause damage to the property;
- 4. History of disturbing neighbors or destruction of property;

5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and

6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

C. The Whiteville Housing Authority will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The Whiteville Housing Authority will verify the information provided. Such verification may include but may not be limited to the following:

1. A credit check of the head, spouse, co-head, and any other adult family members;

2. A rental history check of all adult family members;

3. A criminal background check on all adult household members and youth 18 and above, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, the Whiteville Housing Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). The criminal background check will proceed after each adult household member has signed a consent form designed by the Whiteville Housing Authority.

4. The information received as a result of the criminal background check shall be used solely for screening, lease enforcement and eviction purposes. The information derived from the criminal background check shall be shared only with employees of the Whiteville Housing Authority who have job-related need to have access to the information. The information shall be maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose(s) for which it is requested has been accomplished and the period for filing a challenge to the Housing Authority's action has expired without a challenge or final disposition of any litigation has occurred;

5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No household with an individual registered under a State sex offender registration will be admitted to public housing. The Whiteville Housing Authority will check with our State registry and if the applicant has resided in another State(s), with that State(s)'s list. The Whiteville Housing Authority will utilize the US Department of Justice's Dru Sjodin National Sex Offender website as an additional resource.

6. If an applicant is denied housing based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given the opportunity to dispute the accuracy of the information before the denial or eviction occurs.



## GROUNDS FOR DENIAL

The Whiteville Housing Authority is not required or obligated to assist applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other residents;
- F. Have a history of criminal activity by any household member during the last five (5) years involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other residents or staff or cause damage to the property;
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their public housing ;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted from federally assisted housing within the past five (5) years because of drug-related criminal activity. The three-year limit is based on the date of such eviction, not the date the crime was committed.

However, the Whiteville Housing Authority may admit the household if the PHA

determines:

1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Whiteville Housing Authority; or
2. The circumstances leading to the eviction no longer exist (for example, the criminal household member is imprisoned or has died).

K. Are currently engaging in the illegal use of a controlled substance. For the purposes of this section, a member is “currently engaged in” the criminal activity if the person has engaged in this behavior recently enough to justify a reasonable belief that the behavior is current;

The Whiteville Housing Authority determines that it has reasonable cause to believe that a household member’s illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; With respect to criminal activity described in paragraphs J, K, L, and M of this Section, Whiteville Housing Authority may require an applicant to exclude a household member in order to be admitted to public housing where that household member has participated in or been culpable for actions described in paragraphs J, K, L and M that warrants denial.

New admissions of medical marijuana users are prohibited (this does not include FDA-approved marijuana synthetics). HUD has ruled that federal law preempts state law on this issue.

L. The Whiteville Housing Authority determines that it has reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

M. Have engaged in or threatened abusive or violent behavior towards any Whiteville Housing Authority staff member or resident;

N. Fugitive felons, parole violators, and persons fleeing to avoid prosecution, or custody or confinement after conviction for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;

O. Denied for Life: If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development , or on the premises of other federally assisted housing;

P. Denied for Life: Has a lifetime registration under a State sex offender registration program.

Violence Against Women:

No applicant for public housing who has been a victim of domestic violence, dating violence, or stalking shall be denied admission into the program if they are otherwise qualified and can provide certification per WHA’s Violence Against Women policy.

In determining whether or not to deny admission for illegal drug use by a household member who is no longer engaging in such abuse, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the Whiteville Housing Authority may consider whether such household member:

1. Is participating in a supervised drug or alcohol rehabilitation program;
2. Has successfully completed a supervised drug or alcohol rehabilitation program; or
3. Has otherwise been successfully rehabilitated. For this purpose, the Whiteville Housing Authority will require the applicant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully. If the Whiteville Housing Authority denies admission to the authority's public housing program on the basis of a criminal record, the housing authority must notify the household of the proposed action and must provide the person with the criminal record and the applicant (head of household) with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record. The applicant will have ten (10) calendar days to dispute the accuracy and relevance of the record in writing. If the Whiteville Housing Authority does not receive the dispute within the allotted time, the applicant will be denied.

ASSIGNMENT OF UNIT SIZE

1. Whiteville Housing Authority (WHA) units' bedrooms are of standard size. WHA recognizes HUD's rules related to Occupancy Standards in which two people are expected to share each bedroom. Accordingly, applicants/residents will be matched to a unit size that can adequately fit the number of family members and benefit individual circumstances. The following table depicts the manner in which, in general, individual/families are assigned units:

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

2. The largest unit size that a family may be offered would provide no more than one bedroom per family member. A single disabled or elderly person with a live-in aide will, at the minimum, be assigned a one-bedroom unit. Studio apartments will first be assigned to persons who declare that preference.

3. In order to maximize utilization, WHA will take the following factors into consideration when determining family composition:

- a. The presence of children to be born to a pregnant woman

- b. Children who are in the process of being adopted or under consideration for custody
  - c. Children currently under a 50% or more joint custody decree
  - d. Children who are temporarily away at school
  - e. Children who are temporarily in foster care
  - f. Families/individuals who have a live-in aide (but not a live-in aide's family)
4. In addition, a family consisting of a pregnant woman (with no other persons) will be treated as a two-person family. A single head of household d parent will not be required to share a bedroom with his/her child, unless this is requested by the family.
5. The following exceptions may apply:
- a. A validated request for the accommodation of a disability indicating the need for a single - bedroom occupancy (i.e., the individual needs space to store medical equipment and supplies)
  - b. A family with persons of different generations and opposite sex, unless the family agrees they can share a bedroom
  - c. The family includes children of opposite sex above age nine, unless the family agrees they can share the room.

SELECTION FROM THE WAITING LIST

The Whiteville Housing Authority shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be extremely low-income families whose annual income is at or below 30% of the area median income. In order to meet this requirement, the Whiteville Housing Authority may skip higher income families on the waiting list to reach extremely low-income families.

DECONCENTRATION POLICY

It is the Whiteville Housing Authority's policy to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income communities and lower income families into higher income communities, enhancing the economic well-being of its current residents, and encouraging higher income residents who cannot yet afford the private marketplace to remain in public housing. Toward this end, families on the waiting list may be skipped over to reach other families with a lower or higher income and programs will be offered in partnership with various Whiteville supportive service providers to help residents achieve self-sufficiency. This policy may not be construed to impose or require any specific income or racial quotas for any community.

## DECONCENTRATION INCENTIVES

The Whiteville Housing Authority may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular community. This will include the use of flat rents by higher income residents that cannot afford the private marketplace.

## OFFER OF A UNIT

When a unit becomes available, the first family on the waiting list who has the highest priority for this type of unit and whose income category would help to meet the deconcentration goal and/or the income-targeting goal will be contacted. The family will be offered the opportunity to view the unit. The family will have 24 hours to accept or reject the unit. This verbal offer and the family's decision must be documented in the resident file.

## REJECTION OF UNIT

If the family rejects a unit the family will be placed at the bottom of the waiting list and the application date and time will be changed to the date and time of the rejection. If the family rejects for good cause, they will retain their place on the waiting list. Good cause includes reasons related to proximity to work and childcare.

## ACCEPTANCE OF UNIT

The family will be required to sign a lease that will become effective no later than three (3) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later. The initial term of the lease is one (1) month. During that one-month period, the lease shall be enforced thereby rendering the resident ineligible for any other WHA program that would require resident to terminate the lease.

Prior to signing the lease, all families (head of household and spouse) will be required to attend the Lease and Occupancy Orientation when they are initially accepted for occupancy. The family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation, without good cause, may result in the cancellation of the occupancy process. The applicant will be provided a copy of the lease, the grievance procedure, utility allowances, utility charges, and the current schedule of routine maintenance charges. These documents will be explained in detail. The applicant will sign a form that they have reviewed these documents and that they have reviewed them with Housing Authority personnel. The form will be filed in the resident's file. The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will

be furnished to the head of household and the Whiteville Housing Authority will retain the original executed lease in the resident's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.

The family will pay a security deposit at the time of lease signing. The security deposit will be as follows:

0 Bedroom/Studio	\$240.00
1 Bedroom	\$280.00
2 Bedroom	\$340.00
3 Bedroom	\$390.00
4 Bedroom	\$450.00

The Security will be made in three (3) payments with the first payment due at lease signing. Example: Security Deposit for a 4-Bedroom is \$450.00. At lease signing \$150.00 of that is due, with the second payment due the second month of occupancy in the amount of \$150.00. The final installment on the third month will be \$150.00.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that for the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family. In the event that there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

#### INCOME EXCLUSIONS AND DEDUCTIONS FROM INCOME

To determine annual income, the Whiteville Housing Authority adds the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the Whiteville Housing Authority subtracts all allowable deductions (allowances) to determine the Total Resident Payment. If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income), or the Whiteville Housing Authority believes that past income is the best available indicator of expected future income, the Whiteville Housing Authority may annualize the income anticipated for a shorter period, subject to a re-determination at the end of the shorter period.

#### INCOME

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

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

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

C. Are not specifically excluded from annual income. If it is not feasible to anticipate a level of income over a 12-month period (e.g. seasonal or cyclic income), or the Whiteville Housing Authority believes that past income is the best available indicator of expected future income, the Whiteville Housing Authority may annualize the income anticipated for a shorter period, subject to a re-determination at the end of the shorter period.

Annual income includes, but is not limited to:

A. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.

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

C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. Income that could have been derived from assets worth more than \$1000 that were disposed of for less than fair market value within the past two years will be counted as income.

D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)

E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)

F. When families report zero income and have no income excluded for rent computation, WHA has an obligation to pursue verification of income that reflects the family's lifestyle.

#### DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

A. \$480 for each dependent;

B. \$400 for any elderly family or disabled family;

C. THE SUM OF THE FOLLOWING, TO THE EXTENT THE SUM EXCEEDS THREE PERCENT (3%) OF ANNUAL INCOME:

1. Unreimbursed medical expenses of any elderly family or disabled family including any fee paid by the participant for the Medicare Prescription Drug Program ; and

2. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.

D. Reasonable child-care expenses for children 12 and younger necessary to enable a member of the family to be employed or to further his or her education. This deduction shall not exceed the amount of employment income that is included in annual income.

#### VERIFICATION

The Whiteville Housing Authority will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations; full-time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.



## METHODS OF VERIFICATION

Age, relationship, U.S. citizen ship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or, for citizenship, documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family. Other information will be verified by the following verification methods acceptable to HUD, in the order of preference indicated:

### 1. Up -front Income Verifications (UIV)

UIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals. Current UIV resources include the following:

a. Enterprise Income Verification (EIV)—The EIV System is a web-based application, which provides PHAs 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). 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. Use of the EIV system in its entirety is mandatory for all annual and interim re-examinations.

The Whiteville Housing Authority will monitor the following EIV reports on a monthly basis —(1) Deceased Tenants Report, (2) Identity Verification Report, and the (3) Immigration Report. In addition, it will monitor on a quarterly basis the following EIV reports —(1) Income Discrepancy Report, Multiple Subsidy Report, and the New Hires Report.

b. State Wage Information Collection Agencies (SWICAs)

c. State systems for the Temporary Assistance for Needy Families (TANF) program

d. Credit Bureau Information (CBA) credit reports

e. Internal Revenue Service (IRS) Letter 1722

f. Private sector databases (e.g. The Work Number) The Whiteville Housing Authority will use additional UIV resources as they become available. This will be done before, during and/or after examinations and/or re-examinations of household income as appropriate. It is important to note that UIV data will only be used to verify a participant's eligibility for participation in a rental assistance program and to determine the level of assistance the participant is entitled to receive and only by properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD

Headquarters UIV Security System Administrator is specifically prohibited and will not occur. No adverse action can be taken against a participant until the Whiteville Housing Authority has independently verified the UIV information and the participant has been granted an opportunity to contest any adverse findings through the established grievance procedure. The consequences of adverse findings may include the Whiteville Housing Authority requiring the immediate payment of any over -subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy. Furthermore, the information the Whiteville Housing Authority derives from the UIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals. The EIV Income Report must remain in the tenant file for the duration of tenancy and no longer than three years from the end of participation (EOP) date. The Whiteville Housing Authority 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. Once the data has served its purpose, it shall be destroyed by either burning or shredding the data.

## 2. Third-Party Written Verifications

An original or authentic document generated by a third-party source dated either within the 60-day period preceding the reexamination or the Whiteville Housing Authority request date. Such documentation may be in the possession of the tenant (or applicant), and is commonly referred to as tenant-provided documents. It is the HUD's position that such tenant -provided documents are written third-party verification since these documents originated from a third -party source. The Whiteville Housing Authority 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 will be used for income and rent determinations.

The Whiteville Housing Authority will obtain three current and consecutive pay stubs for determining annual income from wages. For new income sources or when three pay stubs are not available, the Whiteville Housing Authority will project income based on the information from a traditional written third-party verification form or the best available information.

### Note:

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

Third -party written verifications may also be used to supplement Up-front Income Verifications. They will be utilized when there is a discrepancy of \$200 a month or more and the participant disputes the UIV results.

Note:

Social Security benefit information in EIV is updated every three months. If the tenant agrees with the EIV-reported benefit information, PHAs do not need to obtain or request a benefit verification letter from the tenant.

3. Written Third-Party Verification Form Also known as traditional third-party verification, a standardized form to collect information from a third-party source is distributed by WHA. The form is completed by the third-party by hand (in writing or typeset) when sent the form by the Whiteville Housing Authority. HUD 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. HUD requires WHA to rely on documents that 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. The Whiteville Housing Authority will allow thirty (30) calendar days for the return of third-party written verifications prior to continuing on to the next type of verification.

#### VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/eligible non-citizen status of each family member regardless of age must be determined. Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a birth certificate, military ID, or military DD 214 Form. Prior to being admitted or at the first reexamination, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age. Prior to being admitted or at the first reexamination, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original USCIS documentation. The Whiteville Housing Authority will make a copy of the individual's USCIS documentation and place the copy in the file. The Whiteville Housing Authority will also verify their status through the USCIS SAVE system. If the USCIS SAVE system cannot confirm eligibility, the Whiteville Housing Authority will mail information to the USCIS in order that a manual check can be made of USCIS records.

Family members who do not claim to be citizens, nationals, or eligible noncitizens must be listed on a statement of noneligible members and the list must be signed by the head of the household. Noncitizen

students on student visas, though in the country legally, are not eligible to be admitted to public housing. If they are members of families that include citizens, the rent must be pro-rated. Any family member who does not choose to declare their status must be listed on the statement of noneligible members. If no family member is determined to be eligible under this section, the family's eligibility will be denied. The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family. If the Whiteville Housing Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of three (3) years from the date of eviction or termination.

#### FREQUENCY OF OBTAINING VERIFICATION

Household composition will be verified annually. The frequency that household income will be verified depends on the type of rent method chosen by the family. For each family member, citizenship/eligible noncitizen status will be verified only once unless the family member is an eligible immigrant in a transition stage of admission. In this situation, their status must be updated until they are admitted for permanent residency. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible noncitizen status will be verified. For each family member, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security number at admission receives a Social Security number, that number will be verified at the next regular reexamination.

#### VERIFICATION OF ABSENT FAMILY MEMBER

If an adult member who was formerly a member of the household is reported permanently absent by the family, the Whiteville Housing Authority will consider any of the following as verification:

1. Documentation verifying husband and wife are legally divorced.
2. Documentation verifying husband and wife are legally separated.
3. Order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, which is limited to utility bills, bank statements, and/or driver's license/state identification card.
5. Statement from the Department of Social Services verifying absence from the household.

6. If the adult member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

#### VERIFICATION OF GUARDIANSHIP

The following documents will be required to determine verification of guardianship:

1. Documentation of Court-ordered assignment.
2. Verification from social services agency.
3. School records.

#### SPECIAL VERIFICATION FOR ADULT STUDENTS

In addition to other verification procedures, student head of households must provide a written signed certification that the student does or does not receive any financial support from his or her parents or guardians and whether or not the student is receiving an athletic scholarship. If support is received, the certification must state the amount of the anticipated support. The Whiteville Housing Authority shall verify that amount by using normal third party verification procedures communicating directly with the supporting person(s). If an athletic scholarship is involved, the Whiteville Housing Authority shall determine if any of the scholarship is available for housing costs.

#### VERIFICATION FOR DISABILITY STATUS

Whiteville Housing Authority is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability.

- A. If a person's disability is obvious, or otherwise known to the provider, and if the need for the requested accommodation is also readily apparent or known, Whiteville Housing Authority will not request any additional information.
- B. If the requestor's disability is obvious, but the need for the accommodation is not readily apparent or known, Whiteville Housing Authority may request information that is necessary to evaluate the disability related need for the accommodation.
- C. If the requestor's disability is not obvious, Whiteville Housing Authority may request reliable disability-related information that (1) is necessary to verify that the person meets the Fair Housing Act's definition of disability (i.e. has a physical or mental impairment that substantially limits one or more major life activities), (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested information.

## VERIFICATION OF LIVE-IN AIDES

WHA will only approve one additional bedroom for a live-in aide and no additional bedrooms will be provided for the family members of the live-in aide. WHA will ensure that housing quality standards (HQS) will not be violated and that there will be no more than two people per bedroom or living/sleeping space in the unit in accordance with 24 CFR § 982.401(d)(2)(ii). If the approval of additional family members of a live-in aide would result in the violation of HQS, the additional family members of the live-in aide will not be approved.

## INCOME DISCREPANCY REPORT

An EIV Income Report shall be pulled from the system before annual or interim reexamination are conducted for any family and compared with family-reported information. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference (defined as \$2400 or more annually) in the reported income information, the Whiteville Housing Authority will:

- A. Discuss the income discrepancy with the tenant; and
- B. Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources; and
- C. In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, WHA will request from the third-party source, any information necessary to resolve the income discrepancy; and
- D. If applicable, determine the tenant's underpayment of rent as a result of unreported or underreported income, retroactively\*; and
- E. Take any other appropriate action.

\*The Whiteville Housing Authority will 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. The tenant will be provided an opportunity to contest the Whiteville Housing Authority's determination of tenant rent underpayment. Tenants will be promptly notified 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 established grievance procedures. The Whiteville Housing Authority will not terminate, deny, suspend, or reduce the family's assistance until the expiration of any notice or grievance period. When there is an unsubstantial or no disparity between tenant-reported and EIV -reported income information, GHA will obtain from the tenant, any necessary documentation to complete the income determination process. As noted previously, the Whiteville Housing Authority may reject any tenant-

provided documentation, if WHA deems the documentation unacceptable. Documentation provided by the tenant will only be rejected for only the following reasons:

- A. The document is not an original; or
- B. The original document has been altered, mutilated, or is not legible; or
- C. The document appears to be a forged document (i.e. does not appear to be authentic). WHA 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 WHA deems necessary to complete the income determination process, the Authority will submit a traditional third-party verification form to the third-party source for completion and submission to the Whiteville Housing Authority. If the third -party source does not respond to the Whiteville Housing Authority's request for information, the Authority 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. WHA will then pursue lower level verifications in accordance with the verification hierarchy.

#### DETERMINATION OF TOTAL RESIDENT PAYMENT AND RESIDENT RENT

##### THE INCOME-BASED METHOD

The total resident payment is equal to the highest of:

- A. 10% of the family's monthly income;
- B. 30% of the family's adjusted monthly income; or
- C. The minimum rent of \$30.

##### FAMILY CHOICE

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the income-based method or having their rent set at the flat rent amount.

- A. Families who opt for the flat rent will be required to undergo the income reexamination process only every three years. Their family composition must be reviewed annually.
- B. Families who opt for the flat rent may request to have a reexamination and return to the income based method at any time for any of the following reasons:
  - 1. The family's income has decreased.

2. The family's circumstances have changed increasing their expenses for child-care, medical care, etc.
3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family.

C. Families have only one choice per year except for financial hardship cases. In order for families to make informed choices about their rent options, the Whiteville Housing Authority will provide them with the following information whenever they have to make rent decisions:

1. The Whiteville Housing Authority's policies on switching types of rent in case of a financial hardship; and
2. The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the Whiteville Housing Authority will provide the amount of income-based rent for the subsequent year only the year the Whiteville Housing Authority conducts an income reexamination or if the family specifically requests it and submits updated income information.

#### MINIMUM RENT

The Whiteville Housing Authority has set the minimum rent at \$30. If the family requests a hardship exemption, however, the Whiteville Housing Authority will suspend the minimum rent beginning the month following the family's request until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

A. A hardship exists in the following circumstances:

1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program including a family that includes a member who is a non-citizen 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;
2. When the family would be evicted because it is unable to pay the minimum rent;
3. When the income of the family has decreased because of changed circumstances, including loss of employment; and
4. When a death has occurred in the family.

B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.

C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of



90 calendar days from the beginning of the suspension of the minimum rent. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of resident rent owed for the suspension period.

D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

#### THE FLAT RENT

The Whiteville Housing Authority has set the flat rent at no less than 80% of the Fair Market Rent (FMR). There is no utility allowance for families paying a flat rent because the Whiteville Housing Authority has already factored who pays for the utilities into the flat rent calculation.

#### UTILITY ALLOWANCE

The Whiteville Housing Authority has established utility allowances for all units. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the allowance, the Whiteville Housing Authority will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc).

#### PAYING RENT

Rent and other charges are due and payable on the first day of the month. No cash or checks shall be accepted as a rent payment. Money orders are required. If the rent is not paid by the fifth of the month, a Notice to Vacate will be issued to the resident. In addition, a \$15 late charge will be assessed to the resident. Late payment of rent resulting in the initiation of eviction proceedings two months in succession or three times in a twelve -month period will result in a termination of the lease.

#### CONTINUED OCCUPANCY AND COMMUNITY SERVICE

##### GENERAL

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities), or (2) participate in an economic self-sufficiency program or (3) perform eight hours per month of combined activities as

previously described unless they are exempt from this requirement. Failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination. The eight 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 it.

#### EXEMPTIONS

The following adult family members of resident families are exempt from this requirement.

- A. Family members who are 62 or older.
- B. Family members who are blind or disabled as defined under 216(l)(1) or 1614 of the Social Security Act (42 U.S.C. 416(l)(1) and who certifies that because of this disability she or he is unable to comply with the community service requirements.
- C. Family members who are the primary care giver for someone who is blind or disabled as set forth in Paragraph B above.
- D. Family members engaged in work activity (at least 30 hours weekly) including:
  1. Unsubsidized employment;
  2. Subsidized private-sector employment;
  3. Subsidized public -sector employment;
  4. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
  5. On-the-job training;
  6. Job search and job-readiness assistance;
  7. Community service programs;
  8. Vocational educational training (not to exceed 12 months with respect to an individual);
  9. Job -skills training directly related to employment;
  10. 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;

11. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and

12. The provision of childcare services to an individual who is participating in a community service program.

E. Family members who are exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare-to-work program

F. Family members receiving assistance, benefits or services under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program.

#### NOTIFICATION OF THE REQUIREMENTS

The Whiteville Housing Authority shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status in writing. The Whiteville Housing Authority shall verify such claims. The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after July 1st. For families paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. If a resident does not agree with the Whiteville Authority's determination, he or she can appeal by following the Grievance Policy. Changes in exempt or non-exempt status of a resident shall be reported by the resident to the Whiteville Housing Authority within ten (10) calendar days of the change."

#### VOLUNTEER OPPORTUNITIES

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community. An economic self-sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment).

#### THE PROCESS

At the first annual reexamination on or after July 1st, and each annual reexamination thereafter, the Whiteville Housing Authority will do the following:

A. Provide a list of volunteer opportunities to the family members.

B. Provide information about obtaining suitable volunteer positions.

C. Provide a volunteer time sheet to the family member. Instructions for the time sheet will require the resident to complete the form, have a supervisor date and sign for each period of work and return the form to Whiteville Housing Authority.

D. At least thirty (30) calendar days before the family's next lease anniversary date, the Whiteville Housing Authority will determine whether each applicable adult family member is in compliance with the community service requirement.

#### NOTIFICATION OF NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENT

The Whiteville Housing Authority will notify any family found to be in noncompliance of the following:

A. The family member(s) has been determined to be in noncompliance;

B. That the determination is subject to the grievance procedure, a right to be represented by counsel, and the opportunity to any available judicial remedy; and

C. That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated;

#### PROHIBITION AGAINST REPLACEMENT OF AGENCY EMPLOYEES

In implementing the service requirement, the Whiteville Housing Authority may not substitute community service or self-sufficiency activities performed by residents for work ordinarily performed by its employees, or replace a job at any location where residents perform activities to satisfy the service requirement.

#### RECERTIFICATIONS

At least annually, the Whiteville Housing Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size.

#### RECERTIFICATION INTERVIEW

The Whiteville Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or income method. The opportunity to select the flat rent is available only at this time. During recertification, the

Whiteville Housing Authority may assist the family in identifying the rent method that would be most advantageous for the family. The notification letter WHA sends to the family may or may not include forms for the family to complete in preparation for the interview. During the interview, the family will provide all information regarding income, assets, deductions (eligible expenses), or other information necessary to determine the family's share of rent, and all other information necessary to comply with regulations for federally assisted housing. The family will sign the HUD consent forms that later will be mailed to the sources that will verify the family circumstances. Also, during the recertification, WHA will also conduct a criminal background check on all family members 18 years of age and older which will include sex offender registry screening. WHA will verify this information using the Dru Sjodin National Sex Offender Database and document this information in the same method used at admission. For any admissions after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the recertification 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 forms, the Housing Authority will pursue eviction of the household. If a family is about to be evicted from housing based on the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information before the eviction occurs.

#### MISSED APPOINTMENTS

Any family that fails to keep a recertification appointment will be sent a letter announcing commencement of eviction against the family.

#### FLAT RENT METHOD

A. Families who opt for the flat rent may request to have a reexamination and return to the income-based method at any time for the following reasons:

1. The family's income has decreased.
2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
3. Other circumstances creating a hardship on the family such that the income method would be more financially feasible for the family. Once a family returns to the income-based method during their "lease year" they cannot go back to a flat rent until their next annual reexamination.

B. The dates upon which the Whiteville Housing Authority expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.

C. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.

## THE INCOME BASED METHOD

During the interview, the family will provide all information regarding income, assets, deductions (eligible expenses), and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances. Upon receipt of verification, the Whiteville Housing Authority will determine the family's annual income and will calculate their rent as follows.

The total tenant payment is equal to the highest of:

- A. 10% of the family's monthly income;
- B. 30% of the family's adjusted monthly income; or
- C. The minimum rent of \$30.

## EFFECTIVE DATE FOR RENT CHANGES FOR ANNUAL RE EXAMI NATI ONS

The new rent will generally be effective on September 1<sup>st</sup> with thirty (30) calendar days notice of any rent increase to the family. If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date. If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

## INTERIM REEXAMINATI ONS

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified. Families are required to report the following changes to the Whiteville Housing Authority between regular reexaminations. If the family's rent is being determined under the income method, these changes will trigger an interim reexamination. The family shall report these changes within ten (10) calendar days of their occurrence.

- A. A member has been added to the family through birth or adoption or court-awarded custody.
- B. A household member is leaving or has left the family unit.
- C. Any increase of income must be reported within 10 days of its occurrence.
- D. The resident must report the receipt of a deferred payment in a lump sum that represents the delayed start of a periodic payment such as unemployment, which could result in an increase in rent.

E. The resident may report a decrease in income or an increase in allowances or deductions that would result in a decrease in the resident's rent. Decreases in income that are verified to last less than thirty (30) calendar days will not be processed. Failure to report income changes within ten (10) 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.

F. After rent has been decreased, the resident must report all changes immediately.

In order to add a household member other than through birth, adoption, or court-awarded custody, the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. WHA will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the income method, the family's annual income will be recalculated taking into account the circumstances of the new family member.

A resident requesting a live-in aide will be required to provide verification of the need for a live-in aide. In addition, before approval of the live-in aide, the individual (live-in aide) must complete an application form for purposes of determining citizenship/eligible immigrant status and the live in aide will go through the screening process similar to the process for applicants. WHA will determine the eligibility of the live-in aide before approval can be granted. If the individual is found to be ineligible or does not pass the screening criteria, the resident will be advised in writing and given the opportunity for an informal review. Under no circumstances will the live-in aide be added to the lease or be considered the last remaining member of a tenant family. Since the live-in aide would not be living in the subsidized unit except to provide supportive services to the head-of-household, if the head -of-household dies and the only remaining household member is the live-in aide, the live-in aide is not entitled or eligible for any continued occupancy. WHA will not designate the live-in aide as the new head-of-household for any month after the month in which the head-of-household died. WHA will notify the live-in aide s/he is required to vacate the unit at the end of month. Families may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the Whiteville Housing Authority will take timely action to process the interim reexamination and recalculate the resident's rent.

## SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, the Whiteville Housing Authority may schedule special reexaminations every sixty (60) calendar days until the income stabilizes and an annual income can be determined.

## EFFECTIVE DATE OF RENT CHANGE DUE TO INTERIM OR SPECIAL REEXAMINATIONS

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase). If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed. If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

## HOUSING AUTHORITY MISTAKES IN CALCULATING RENT

If the Whiteville Housing Authority makes a mistake in calculating a resident's rent contribution and overcharges the resident, the resident shall receive a refund for the amount of the mistake going back a maximum of twenty-four (24) months. The refund shall be given to the resident as soon as practical or credited to the resident's account, whichever the resident desires unless the resident owes the Housing Authority money in which case the debt shall be offset to the degree possible before the resident chooses between the two refund methods.

## THE TRANSFER POLICY

Transfers from one WHA owned unit to another will be considered for the following reasons:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.



E. To provide an incentive for families to assist in meeting the Whiteville Housing Authority's deconcentration goal, if appropriate.

F. To eliminate vacancy loss and other expenses due to unnecessary transfers.

G. To alleviate verified medical problems.

H. To permit reasonable accommodation.

#### DOCUMENTATION

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for a transfer.

#### COST OF THE FAMILY'S MOVE

The cost of the transfer generally will be borne by the family in the following circumstances:

A. When the transfer is made at the request of the family or by others on behalf of the family; (i.e. by the police)

B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;

C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or

D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable. The cost of the transfer will be borne by the Whiteville Housing Authority in the following circumstances:

A. When the transfer is needed in order to carry out modernization, disposition, or demolition activities; or

B. When action or inaction by the Whiteville Housing Authority has caused the unit to be unsafe or inhabitable.

#### TENANTS IN GOOD STANDING

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with WHA. This means the family must be in compliance with their lease, current in all payments to the Whiteville Housing Authority, and must pass a housekeeping inspection.

## RIGHT OF THE WHITEVILLE HOUSING AUTHORITY IN TRANSFER POLICY

The provisions listed above are to be used as a guide to ensure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer or refuse to transfer.

## INSPECTIONS

The Whiteville Housing Authority will conduct inspections as listed below:

### MOVE-IN INSPECTIONS

The Whiteville Housing Authority and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the resident file.

### ANNUAL INSPECTIONS

The Whiteville Housing Authority will inspect each public housing unit annually to ensure that each unit meets the Whiteville Housing Authority's housing standards. Work orders will be submitted and completed to correct any deficiencies.

### PREVENTATIVE MAINTENANCE INSPECTIONS

This is generally conducted along with the annual inspection. This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment.

### SPECIAL INSPECTIONS

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the Whiteville Housing Authority.

### HOUSEKEEPING INSPECTIONS

Generally, at the time of annual reexamination, or at other times as necessary, the Whiteville

Housing Authority will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

## NOTICE OF INSPECTION

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections, the Whiteville Housing Authority will give the resident at least two (2) calendar days written notice.

## EMERGENCY INSPECTIONS

If any employee and/or agent of the Whiteville Housing Authority has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

## MOVE-OUT INSPECTIONS

The Whiteville Housing Authority conducts the move-out inspection after the resident vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the resident is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

## Pets in Public Housing

### PET POLICY EXCLUSIONS

This policy does not limit or impair the rights of persons with disabilities or their right to have a service animal to assist, support or provide service to persons with disabilities. Assistive animals are allowed in all public housing facilities under this policy with the same restrictions, except deposits and weight restrictions shall be waived. In addition, all tenants must maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors. This policy does not apply to service animals, support animals, assistance animals, or therapy animals that are used to assist persons with disabilities. These animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors. The person requesting this exclusion to the Pet Policy of this housing authority must have a disability and the accommodation must be necessary to afford the person with a disability an equal opportunity to use and enjoy a dwelling. To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the person's disability. WHA will verify the existence of the disability, and the need for the accommodation if either is not readily apparent. Accordingly, persons who are seeking a reasonable accommodation for an emotional support animal will be required to provide documentation from a physician, psychiatrist, social worker, or other mental

health professional that the animal provides support that alleviates at least one of the identified symptoms or effects of the existing disability. In addition, WHA is not required to provide any reasonable accommodation that would pose a direct threat to the health or safety of others. Thus, if the particular animal requested by the individual with a disability has a history of dangerous behavior, we will not accept the animal into our housing. Moreover, we are not required to make a reasonable accommodation if the presence of the assistance animal would (1) result in substantial physical damage to the property of others unless the threat can be eliminated or significantly reduced by a reasonable accommodation; (2) pose an undue financial and administrative burden; or (3) fundamentally alter the nature of the provider's operations.

#### PETS IN PUBLIC HOUSING

The Whiteville Housing Authority allows for pet ownership in its developments with the written pre-approval of the Housing Authority. Residents are responsible for any damage caused by their pets, including the cost of fumigating or cleaning their units. In exchange for this right, resident assumes full responsibility and liability for the pet and agrees to hold the Whiteville Housing Authority harmless from any claims caused by an action or inaction of the pet.

#### APPROVAL

Residents must have the prior written approval of the Housing Authority before moving a pet into their unit. Residents must request approval on the Authorization for Pet Ownership Form that must be fully completed before the Housing Authority will approve the request. Residents must give the Housing Authority a picture of the pet so it can be identified if it is running loose.

#### TYPES AND NUMBER OF PETS

The Whiteville Housing Authority will allow only common household pets. This means only domesticated animals such as a dog, cat, bird, rodent (including a rabbit), fish in aquariums or a turtle will be allowed in units. Common household pets do not include reptiles (except turtles). If this definition conflicts with a state or local law or regulation, the state or local law or regulation shall govern. All dogs and cats must be spayed or neutered before they become six months old. A licensed veterinarian must verify this fact. Only one four-legged pet per unit will be allowed. Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs, will not be allowed. No animal may exceed fifteen (15) pounds in weight or twelve (12) inches in height projected to full adult size.

#### INOCULATIONS

In order to be registered, pets must be appropriately inoculated against rabies, distemper and other conditions prescribed by state and/or local ordinances. They must comply with all other state and local public health, animal control, and anti-cruelty laws including any licensing requirements. A certification

signed by a licensed veterinarian or state or local official shall be annually filed with the Whiteville Housing Authority to attest to the inoculations.

#### PET DEPOSIT

A pet deposit of \$300 is required at the time of newly registering a pet. The deposit is refundable when the pet or the family vacates the unit, less any amounts owed due to damage beyond normal wear and tear.

#### FINANCIAL OBLIGATION OF RESIDENTS

Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any damages caused by the pet. Also, any pet-related insect infestation in the pet owner's unit will be the financial responsibility of the pet owner and the Whiteville Housing Authority reserves the right to exterminate and charge the resident.

#### NUISANCE OR THREAT TO HEALTH OR SAFETY

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the owner's unit and surrounding areas. Repeated substantiated complaints by neighbors or Whiteville Housing Authority personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance may result in the owner having to remove the pet or move him/herself. Pets that make noise continuously and/or incessantly for a period of 10 minutes or intermittently for one half hour or more to the disturbance of any person at any time of day or night shall be considered a nuisance.

#### MISCELLANEOUS RULES

Pets may not be left unattended in a dwelling unit for over ten hours. If the pet is left unattended and no arrangements have been made for its care, the Housing Authority will have the right to enter the premises and take the uncared for pet to be boarded at a local animal care facility at the total expense of the resident. Residents must take appropriate actions to protect their pets from fleas and ticks. All dogs must wear a tag bearing the resident's name and phone number and the date of the latest rabies inoculation. Pets cannot be kept, bred or used for any commercial purpose. Residents owning cats shall maintain waterproof litter boxes for cat waste. Refuse from litter boxes shall not accumulate or become unsightly or unsanitary. Litter shall be disposed of in an appropriate manner. A pet owner shall physically control or confine his/her pet during the times when Housing Authority employees, agents of the Housing Authority or others must enter the pet owner's apartment to conduct business, provide services, enforce lease terms, etc. If a pet causes harm to any person, the pet's owner shall be required to permanently remove the pet from the Housing Authority's property within 24 hours of written notice from the Housing Authority. The pet owner may also be subject to termination of his/her dwelling lease. A pet owner who violates any other conditions of this policy may be required to remove his/her

pet from the development within 10 calendar days of written notice from the Housing Authority. The pet owner may also be subject to termination of his/her dwelling lease. The Housing Authority's Grievance procedures shall be applicable to all individual grievances or disputes arising out of violations or alleged violations of this policy.

#### VISITING PETS

No visiting pets will be allowed.

#### REMOVAL OF PETS

The Whiteville Housing Authority, or an appropriate community authority, shall require the removal of any pet from a project if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the project or of other persons in the community where the project is located.

In the event of illness or death of pet owner, or in the case of an emergency which would prevent the pet owner from properly caring for the pet, the Whiteville Housing Authority has permission to call the emergency caregiver designated by the resident or the local Animal Control Agency to take the pet and care for it until family or friends would claim the pet and assume responsibility for it. Any expenses incurred will be the responsibility of the pet owner.

#### REPAYMENT AGREEMENTS

When a resident owes the Whiteville Housing Authority back charges and is unable to pay the balance by the due date, the resident may request that the Whiteville Housing Authority allow them to enter into a Repayment Agreement. The Whiteville Housing Authority has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed 24 months. If feasible, the total amount paid will not exceed 40% of monthly adjusted income. All Repayment Agreements must be in writing and signed by both parties. They must include the following elements:

- A. Reference to the paragraphs in the Public Housing lease or whereby the tenant is in non-compliance and may be subject to termination of tenancy or assistance, or both.
- B. The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the PHA.
- C. The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.

D. Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance. Refusal to enter into a Repayment Agreement for monies owed will subject the family to eviction procedures.

## TERMINATION

### TERMINATION BY RESIDENT

The resident may terminate the lease at any time upon submitting a 30-day written notice in compliance with dwelling lease requirements. If the resident vacates prior to the end of the thirty (30) calendar days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

### TERMINATION BY THE WHITEVILLE HOUSING AUTHORITY

The Whiteville Housing Authority after July 1, 2002 will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin. The Whiteville Housing Authority will terminate the lease for serious or repeated violations of material lease terms.

Such violations include, but are not limited, to the following:

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit;
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any criminal activity on the property or drug-related criminal activity on or off the premises. This includes any tenant, member of a tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control. This includes, but is not limited to, the

manufacture of methamphetamine on the premises of the Whiteville Housing Authority or on the premises of any other federally assisted housing;

K. Non-compliance with Non-Citizen Rule requirements;

L. Permitting persons not on the lease to reside in the unit more than fourteen (14) calendar days each year without the prior written approval of the Whiteville Housing Authority;

M. Any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the Authority by the resident, household members, or guests of the resident or threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy;

N. Alcohol abuse that the Whiteville Housing Authority determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;

O. Failure to perform required community service or be exempted there from;

P. The Whiteville Housing Authority will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program;

Q. Determination that a household member is illegally using a drug or when WHA determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;

R. Criminal activity as shown by a criminal record. In such cases WHA will notify the household of the proposed action to be based on the information and will provide the subject of the record and the tenant with a copy of the criminal record before the Whiteville Housing Authority grievance hearing or court trial concerning the termination of tenancy or eviction. The tenant will be given the opportunity to dispute the accuracy and relevance of that record in the grievance hearing or court trial;

S. Currently owes rent or other amounts as a result of unreported income and refuses to sign a repayment agreement to the Whiteville Housing Authority in connection with the Public Housing assistance under the 1937 Act is grounds for termination;

T. Disconnecting a smoke detector in any manner, removing any batteries from a smoke detector or failing to notify the Housing Authority if the smoke detector is inoperable for any reason; and

U. Other good cause.

In deciding to terminate a tenancy for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a



household member who is no longer engaging in such abuse, the Whiteville Housing Authority may consider whether such household member:

1. Is participating in a supervised drug or alcohol rehabilitation program;
2. Has successfully completed a supervised drug or alcohol rehabilitation program; or
3. Has otherwise been successfully rehabilitated. For this purpose, the Whiteville Housing Authority may require the leaseholder to submit evidence of one of the above 3 statements.

#### VIOLENCE AGAINST WOMEN

VAWA means the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109–162, approved August 28, 2006), as amended by the U.S. Housing Act of 1937 (42 U.S.C. 1437d and 42 U.S. 1437f). VAWA protects tenants and families members of tenants who are victims of domestic violence, dating violence or stalking from eviction or termination from housing assistance based on acts of violence against them.

#### VAWA PROTECTIONS

Under the Violence Against Women Act (VAWA) , public housing residents have the following specific protections, which will be observed by the Whiteville Housing Authority:

An incident or incidents or actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not in itself be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

WHA may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants. This is also true even if the household member is not a signatory to the lease. Under VAWA, the Whiteville Housing Authority is granted the authority to bifurcate the lease. WHA will honor court orders regarding the rights of access or control of the property. There is no limitation on the ability of the Housing Authority to evict for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, other than the victim may not be subject to a “more demanding standard” than non-victims. There is no prohibition on the Housing Authority evicting if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s (victim’s) tenancy is not terminated.” An actual and imminent threat consists of a physical danger that is real, would occur within an immediate timeframe, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will

occur, and the length of time before the potential harm would occur. Any protections provided by law which give greater protection to the victim are not superseded by these provisions. The Whiteville Housing Authority shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by WHA.

Types of acceptable verifications are outlined below, and must be submitted within 14 business days after receipt of WHA's written request for verification.

#### VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

The Whiteville Housing Authority shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority.

##### A. Requirement for Verification.

The law allows, but does not require, the Whiteville Housing Authority to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. WHA shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by WHA. Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways:

1. HUD-approved form (HUD-50066)-By providing to WHA a written certification, on the form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator.
2. Other documentation-by providing to the Whiteville Housing Authority documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.

3. Police or court record—by providing to WHA a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

B. Time allowed to provide verification/failure to provide. An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence or stalking, and who is requested by WHA to provide verification, must provide such verification within 14 business days after receipt of the written request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. The submission of false information may be the basis for the termination of assistance or for eviction.

C. Managing conflicting documentation. In cases where the Whiteville Housing Authority receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the Whiteville Housing Authority may determine which is the true victim by requiring third-party documentation as described in 24 CFR 5.2007 and in accordance with any HUD guidance as to how such determinations will be made. WHA shall honor any court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household.

## 21. CONFIDENTIALITY

All information provided under VAWA including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence and shall not be entered into any shared database or provided to any related entity except to the extent that the disclosure is:

A. Requested or consented to by the individual in writing;

B. Required for use in an eviction proceeding; or

C. Otherwise required by applicable law. The Whiteville Housing Authority shall provide its residents notice of their rights under VAWA including their right to confidentiality and the limits thereof.

## ABANDONMENT

The Whiteville Housing Authority will consider a unit to be abandoned when a resident has both fallen behind in rent AND has clearly indicated by words or actions an intention not to continue living in the unit. When a unit has been abandoned, a Whiteville Housing Authority representative may enter the unit and inventory the personal property. WHA will maintain the personal property in the unit for a period of 10 days; if the property is not claimed, it will be disposed of in accordance with state law.

## RETURN OF SECURITY DEPOSIT

After a family moves out, the Whiteville Housing Authority will return the security deposit within thirty (30) calendar days and give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in. The Whiteville Housing Authority will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 30 calendar days.

## CONDUCTING BUSINESS IN ACCORDANCE WITH CORE VALUES AND ETHICAL STANDARDS

### PURPOSE

This Code of Conduct establishes standards for employee and Commissioner conduct that will assure the highest level of public service. Recognizing that compliance with any ethical standards rests primarily on personal integrity and specifically in this situation with the integrity of the employees and Commissioners of WHA, this section sets forth those acts or omissions of acts that could be deemed injurious to the general mission of the Authority. This Code of Conduct is not intended, nor should it be construed, as an attempt to unreasonably intrude upon the individual employee or Commissioner's right to privacy and the right to participate freely in a democratic society and economy.

### CONFLICT OF INTEREST

In accordance with 24 CFR 982.161, neither WHA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant -based programs in which any of the following classes of persons has any interest, direct or indirect, during his or her tenure with GHA or for one year thereafter:

- A. Any present or former member or officer of WHA (except a participant commissioner);
- B. Any employees of WHA or any contractor, subcontractor or agent of WHA who formulates policy or who influences decisions with respect to the programs;
- C. Any public official, member of a governing body, or State or local legislator who exercises functions or responsibilities with respect to WHA programs; or
- D. Any member of the Congress of the United States.

Any member of the classes described in A-D must disclose their interest or prospective interest to WHA and HUD. The Conflict of Interest prohibition under this section (24.2) may be waived by the HUD Field Office upon the request of WHA for good cause.

#### PROHIBITION OF SOLICITATION OR ACCEPTANCE OF GIFTS

No Commissioner or Authority employee shall solicit any gift or consideration of any kind, nor shall any Authority employee accept or receive a gift having value in excess of \$25.00 regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before the Authority.

#### HOUSING AUTHORITY ADMINISTRATIVE AND DISCIPLINARY REMEDIES FOR VIOLATION OF HOUSING AUTHORITY CODE OF CONDUCT

Violations of this Code of Conduct Policy will result in disciplinary action as outlined in WHA's Personnel Policy.

#### SUPPORT FOR OUR ARMED FORCES

A major and important component of our armed forces are the part-time military personnel that serve in various Reserve and National Guard units. The Whiteville Housing Authority is very supportive of these men and women. An unfortunate fact of service in both the Reserves and National Guard is that from time to time their personnel are activated to full-time status and asked to serve our country in a variety of ways and circumstances. Whenever the Federal Government activates Reserve and/or National Guard personnel, the Whiteville Housing Authority wants to support these brave warriors in the following manners:

A. If a family finds it necessary for another adult to temporarily move into a unit solely to serve as a temporary guardian for children residing in the unit, the income received by the temporary guardian will not be counted in determining family income.

B. Although typically a criminal background check is required before anyone can move into a public housing unit, this requirement will be waived for a temporary guardian. Instead, the background check will occur after the person moves in. If the results of the check dictate that the person is ineligible for public housing, the family shall be given a reasonable time to find a replacement temporary guardian.

C. Recognizing that activation in the Reserves or National Guard can be very disruptive to a family's income, the Whiteville Housing Authority will expeditiously re-evaluate a resident's rent if requested to do so and will exercise reasonable restraint if the activated resident has trouble paying their rent.

D. Typically a unit cannot be held by a family that is not residing in it as their primary residence. If all members of a military family are temporarily absent from the unit because a member of the family has been called to active duty, the family can retain control of the unit by paying the required rent and returning to the unit within 30 calendar days of the conclusion of the active duty service.

## ANTI-FRAUD POLICY

The Whiteville Housing Authority is fully committed to combating fraud in its public housing program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the Whiteville Housing Authority. It results in the inappropriate expenditure of public housing funds and/or a violation of public housing requirements. Although there are numerous different types of fraud that may be committed, the two most common are the failure to fully report all sources of income and the failure to accurately report who is residing in the residence. The Whiteville Housing Authority shall aggressively attempt to prevent all cases of fraud. When a fraudulent action is discovered, the Whiteville Housing Authority shall take action. It shall do one or more of the following things depending on circumstances and what it determines appropriate:

- A. Require the resident to immediately repay the amount in question;
- B. Require the resident to enter into a satisfactory repayment agreement as set forth in a previous section of this Policy;
- C. Terminate the resident's tenancy;
- D. Refer the case for criminal prosecution; or
- E. Take such other action as the Whiteville Housing Authority deems appropriate.

## SMOKE FREE POLICY

HUD regulation 24 CFR 965 and 966 require that public housing agencies implement a policy prohibiting lit tobacco products in all living units, indoor common areas, and administrative buildings. The smoke-free policy must also extend to all outdoor areas up to 25 feet from the housing or administrative office buildings. The smoke-free policy is incorporated as part of the Public Housing Dwelling Lease between Landlord and Resident as a Lease Addendum.

HUD defines "lit tobacco products" as all lit tobacco products that involve the ignition and burning of tobacco leaves such as cigarettes, cigars, and pipes.

## IMPLEMENTATION AND ENFORCEMENT OF SMOKE-FREE POLICY

1. Resident's Responsibilities
  - a) Resident(s) and members of the Resident's Household shall not smoke anywhere in the unit rented by Resident(s).

b) Resident (s) shall inform guests of the Smoke-Free Policy and shall not permit any guests or visitors under the control of Resident to smoke in the unit.

c) Resident(s) shall promptly notify Landlord of any incident where smoke from tobacco, electronic cigarette, or similar products, is migrating into the Resident's unit from sources outside the Resident's unit.

Failure to comply or repeated violations of this policy and the lease provisions will be cause for lease enforcement actions up to and including termination of resident lease agreement

## 2. Landlord's Responsibilities

Landlord shall take reasonable steps to enforce the non-smoking terms of its leases and maintain the No Smoking Area as smoke-free as is reasonably possible. Such reasonable steps include but are not limited to providing residents with orientation, warnings, housekeeping inspections, and appropriate notices of lease violations.

\*\*Effective July 30, 2018 as per HUD Notice PIH-2012-25 and New Guidance about Smoke-Free Public Housing Final Rule 2-17-17 and HUD Notice PIH-2017-03).