

# Admission and Continued Occupancy Policy



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Adopted Date

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Board Resolution

# Admission and Continued Occupancy Policy

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## I. INTRODUCTION

### A. Mission Statement:

Our goal is to provide drug free, decent, safe, and sanitary housing for eligible families and to provide opportunities and promote self-sufficiency and economic independence for residents.

In order to achieve this mission, we will:

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

### B. Purpose of Policy:

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

Federal Regulations shall mean those found in 24 Code of Federal Regulations (CFR)

### C. Primary Responsibilities of the HA:

1. Informing eligible families of the availability of public housing assistance;
2. Determining and posting annually the utility allowances;
3. Receiving applications from families and determining their eligibility for assistance;
4. Inspecting public housing units to determine that they meet or exceed Uniform Physical Condition Standards (UPCS).
5. Executing leases;
6. Collecting rent on a monthly basis from residents;
7. Annual/interim re-examinations of income, family composition and re-determination of rent;
8. Authorizing and processing evictions; and,

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9. Ongoing maintenance and modernization of the public housing inventory.

10. Annual updates of:

- Flat rents/Ceiling rents
- Utility allowance schedules
- Annual and five year plans
- Grievance panel
- Local childcare rate comparability
- Maintenance charges
- Income limits

## **D. Objectives:**

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

- Insuring a social and economic mix of residents within each public housing neighborhood in order to foster social stability and upward mobility.
- Insuring the fiscal stability of the HA.
- Lawfully denying admission or continued occupancy to applicants or residents whose presence in a public housing neighborhood are likely to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood or create a danger to HA employees.
- Insuring that elderly families can live in public housing as long as they are able to live independently and/or have someone to help them live independently as in the case of a live-in aide.

2. Facilitate the efficient management of the HA and compliance with Federal Regulations by establishing policies for the efficient and effective management of the HA inventory and staff.

3. Comply in letter and spirit with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and all other applicable Federal laws and regulations to insure that admission to and continued occupancy in public housing are conducted without regard to race, color, religion, sex, national origin, handicap, or familial status.

## **II. NONDISCRIMINATION**

### **A. Complying with Civil Rights Laws:**

1. Civil rights laws protect the rights of applicants and residents to equal treatment by the HA in the way it carries out its programs. It is the policy of the HA to comply with all civil rights laws, including but not limited to:

- Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, or national origin;

**NOTE:** The HA is not only permitted but is required to provide persons with disabilities with housing that is appropriate for their needs. This accessible or adaptable housing,

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although different from that provided to others, is permitted because it permits persons with disabilities to participate in the public housing program.

- Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which prohibits discrimination based on race, color, religion, sex or national origin and extends protection against discrimination based on disability and familial status, and spells out forms of prohibited discrimination;
  - Executive Order 11063;
  - Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities;
  - The Age Discrimination Act of 1975, which establishes certain rights of the elderly;
  - Title II of the Americans with Disabilities Act of 1990 (ADA) requires that the HA provide individuals with disabilities with access to its programs, services and activities including, common areas and public spaces. However, Title II does not require that individual housing units be accessible to individuals with disabilities; rather, Section 504 and the Fair Housing Act govern access for individuals with disabilities to the HA's housing units;
  - Any applicable state laws or local ordinances, and;
  - Any legislation protecting the individual rights of residents, applicants, or staff that may subsequently be enacted.
2. The HA shall not discriminate because of race, color, national origin, sex, perceived sexual orientation, gender identity, marital status, religion, familial status, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land that is part of a development under the HA's jurisdiction covered by a public housing Annual Contributions Contract with HUD.
  3. The HA shall not, on account of race, color, national origin, sex, perceived sexual orientation, gender identity, marital status, religion, familial status, or disability:
    - Deny anyone the opportunity to apply for housing (when the waiting list is open), nor deny to any qualified applicant the opportunity to lease housing suitable to their needs;
    - Provide anyone housing that is different (of lower quality) from that provided others;
    - Subject anyone to segregation or disparate treatment;
    - Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;
    - Treat anyone differently in determining eligibility or other requirements for admission;
    - Deny anyone access to the same level of services; or
    - Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.
  4. The HA shall not automatically deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents or families whose head or spouse

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- is a student). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior.
5. The HA will correct situations or procedures that create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of the HA's housing program and non-housing programs, in accordance with Section 504 and the Fair Housing Amendments Act of 1988, there are requirements, optional actions and prohibitions:
    - a) The HA must, upon request by an applicant or resident with a disability:
      - Make structural modifications to its housing and non-housing facilities and;
      - Make reasonable accommodations in its procedures or practices unless such structural modifications or reasonable accommodations would result in an undue financial and administrative burden on the Authority, or would result in a fundamental alteration in the nature of the program.
    - b) In making structural modifications to "existing housing programs" or in carrying out "other alterations" for otherwise qualified persons with disabilities, the HA may, but is not required to:
      - Make each of its existing facilities accessible;
      - Make structural alterations when other methods can be demonstrated to achieve the same effect;
      - Make structural alterations that require the removal or altering of a load bearing structural member; or
      - Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level.
    - c) When the HA is making "substantial alterations" to an existing housing facility the HA may, but is not required to:
      - Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level;
      - Make structural alterations that require the removal or altering of a load bearing structural member; or
      - Make structural alterations to meet minimum accessibility requirements where it is structurally impracticable also.

**NOTE:** The undue burdens test is not applicable to housing undergoing "substantial alteration."

6. The HA will not permit these policies to be subverted to do personal or political favors. The HA will not offer units in an order different from that prescribed by this policy, since doing so violates the policy, federal law, and the civil rights of the other families on the waiting list.

### **B. Making Programs and Facilities Accessible to People with Disabilities.**

1. Facilities and programs used by residents will be accessible to a full range of persons with disabilities. Application and management offices, hearing rooms, community centers, day care centers, laundry facilities, craft and game rooms, etc. (to the extent that the HA has such facilities) will be usable by residents with a full range of

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disabilities. To the extent that the HA offers such facilities, if none is already accessible, some will be made so, subject to the undue financial and administrative burden test.

2. Documents used by applicants and residents will be accessible for those with vision or hearing impairments. All documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Unless prohibited by local law, documents may be translated into languages other than English.

**NOTE:** In general, documents will be translated when there are sufficient numbers of applicants or residents speaking a language to warrant the expense.

3. The HA will present examples to help applicants and residents understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance. In writing materials for applicants and residents, the HA staff will be prepared to explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read or understand.
4. When the HA has initial contact with the applicant, the HA staff will ask whether the applicant requires an alternate form of communication. Examples of alternative forms of communication might include, but are not limited to:
  - A qualified sign language interpreter provided for and paid for by the HA;
  - Having written materials explained orally by staff either in person or by telephone;
  - Provision of written materials in large/bold font; information on audiocassette;
  - Permitting applicants to file applications by mail; and,
  - Permitting alternative sites for the receipt of applications. In addition, the HA's obligation to provide alternative forms of communication to persons with disabilities does not preclude an individual's right to have a friend, relative or advocate accompany him/her for purposes of conducting business with the HA.
5. Some applicants will not be able to read (or to read English) so the intake staff must be prepared to read and explain anything that they would normally hand to an applicant to be read or filled out. Applicants who read or understand little English [Limited English Proficiency (LEP)] may furnish an interpreter who can explain the process. However, when LEP persons choose not to utilize the free language assistance services expressly offered to them by the HA but rather choose to rely upon an interpreter of their own choosing (whether a professional interpreter, family member, or friend), LEP persons should be permitted to do so, at their own expense.
6. At a minimum, the HA will prepare information to be used by applicants and residents in plain language accessible formats.
7. The PHA shall comply with all provisions of the Violence Against Women Act (VAWA) and shall not discriminate against any person who is protected by said Act.

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## III. FAMILY INFORMATION, VERIFICATION & PRIVACY RIGHTS

- The family must supply any information that the HA or HUD determines is necessary in the administration of the public housing program. "Information" includes any requested certification, release or other documentation.
- The family must supply any information requested by the HA or HUD for use in a regularly scheduled reexamination or an interim reexamination of family income, community service requirements and family composition in accordance with HUD requirements.
- The Tenant must supply information to the HA regarding any guardianship information, or the need to contact a third party on behalf of the Tenant.
- Any information supplied by the family must be true and complete.
- The use or disclosure of information obtained from a family or from another source pursuant to this release and consent shall be limited to purposes directly connected with the administration of the program.
- Applicants will be required to sign the Federal Privacy Act Statement, which states under what conditions HUD will release resident information.
- Requests for information by other parties must be accompanied by a signed release request in order for the HA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations.
- Information received to verify eligibility or continued occupancy shall be confidential and not disclosed to any third party without a written release and/or proper authorization.
- Information received relating to credit history, EIV, and criminal history shall be governed by those respective policies.

## IV. MISSED APPOINTMENTS

### A. Types of Appointments:

An applicant or resident who fails to keep an appointment without notifying the HA and without rescheduling the appointment shall be sent a notice of termination of the process for failure to supply such certification, release of information or documentation as the HA or HUD determines to be necessary in the following situations:

- Complete Application;
- Bringing in Verification Information;
- Briefing prior to Occupancy;
- Leasing Signature;
- Inspections (or failure to allow the HA to inspect the dwelling unit at reasonable times and after reasonable notice, if applicable);
- Reexamination;
- Interim Adjustment;
- Other Appointments or Requirements to Bring in Documentation as Listed in this Plan;
- Scheduled Counseling Sessions;
- Move-In appointments.

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### **B. Process When Appointment(s) Is Missed:**

#### **1. Applicants:**

If the family does not appear or call to reschedule an appointment as required, the HA will send a notice of removal of the application from the waiting list.

#### **2. Residents:**

For most of the functions above, the family will be given the opportunity for two appointments. If the family does not appear or call to reschedule the original appointment as required, the HA will send a second appointment letter along with a "Termination and Demand for Possession" notice. If the second appointment is attended the termination will be canceled.

**NOTE:** If the representative of the HA and/or Hearing Officer makes a determination in favor of the applicant/resident, the HA will comply with the decision unless the provisions of Section VI of the Grievance Procedure is applicable to the hearing officer's decision.

### **C. Letters Mailed to Applicant(s)/Resident(s) by the HA:**

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

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

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

## **V. MISREPRESENTATION BY THE APPLICANT, RESIDENT, OR THIRD PARTY VERIFICATION SOURCE**

If an applicant, resident, or third party verification source is found to have made willful misrepresentations at any time that resulted in the applicant or resident being classified as eligible, when, in fact, they were ineligible, applicant will be declared ineligible. The lease and/or application will be terminated because of the misrepresentation by the applicant/resident and/or the third party verification source. If such misrepresentation resulted in resident paying, a lower rent than was appropriate, resident shall be required to pay the difference between the actual payments and the amount that should have been paid. In justifiable instances, the HA may take such other actions as it deems appropriate, including referring the applicant, resident and/or party supplying fraudulent information to the proper authorities for possible criminal prosecution.

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### **VI. ELIGIBILITY FOR ADMISSION AND PROCESSING OF APPLICATIONS INCLUDING FOR DISABLED PERSONS AND PERSONS NEEDING A REASONABLE ACCOMMODATION.**

#### **A. Affirmative Marketing:**

1. The HA will conduct affirmative marketing as needed so the waiting list includes a mix of applicants with races, ethnic backgrounds, ages and disabilities proportionate to the mix of those groups in the eligible population of the area. The marketing plan will take into consideration the number and distribution of vacant units, units that can be expected to become vacant because of move-outs, and characteristics of families on the waiting list. The HA will review these factors regularly to determine the need for and scope of marketing efforts. All marketing efforts will include outreach to those least likely to apply.

a) Marketing and informational materials will:

- Comply with Fair Housing Act requirements on wording, logo, size of type, etc.;
- Describe the housing units, application process, waiting list and preference structure accurately;
- Use clear and easy to understand terms including any non-English media available in the area;
- Contact agencies that serve potentially qualified applicants least likely to apply (e.g. the disabled) to ensure that accessible/adaptable units are offered to applicants who need their features;
- Make clear who is eligible: low-income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
- Be clear about the HA's responsibility to provide reasonable accommodations to people with disabilities.
- Provide that an applicant may request a reasonable accommodation at any time during the application process

b) Outreach:

As much information, as possible about Public Housing will be disseminated through local media (newspaper, radio, television, etc.). For those who call the HA Office, the staff should be available to convey essential information, or:

- The HA may hold meetings with local community agencies.
- The HA may sponsor "open house" programs within the public housing community to attract potential residents to view a public housing unit.
- The HA may make known to the public, through publications in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families. The notice shall inform such families where they may apply for Public Housing. The HA shall take affirmative action to provide opportunities to participate in the program to persons who, because of such factors as disability, need for a reasonable accommodation, race, ethnicity, sex of household head, age, or source of income, are less likely to apply for Public Housing. When

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there is a Local Housing Plan, "Comprehensive Housing Affordability Strategy" (CHAS), the HA planned programs will be incorporated in the CHAS.

## **B. Qualifying for Admission:**

The term "qualifying" refers to applicants who are eligible and able to meet the applicant selection standards.

1. It is the HA's policy to admit only qualified applicants.
2. An applicant is qualified if he or she meets all of the following criteria:
  - a) A family, as defined in the appendix.
  - b) Meets HUD requirements on citizenship or immigration status;
  - c) Has an annual income (as defined in the appendix) at the time of admission that does not exceed the income limits (maximum incomes by family size established by HUD) posted in the HA offices.
  - d) Provides documentation of Social Security numbers for family members or certifies that they do not have Social Security numbers (Citizens and lawfully present noncitizens who state that they have not been assigned a SSN by the SSA, should make such declaration in writing and under penalties of perjury to the PHA. The PHA should maintain the declaration in the tenant file); and
  - e) Meets the Applicant Selection Criteria including completing the HA approved pre-occupancy orientation session if requested.

## **C. Establishing and Maintaining the Waiting List.**

### **1. Administration of the Waiting List:**

It is the policy of the HA to administer its waiting list as required by HUD's regulations.

### **2. Opening and Closing Waiting Lists**

- a) For any unit size or type, if the HA's waiting list has sufficient applications to fill anticipated vacancies for the coming 12 months, the HA may elect to:
  - Close the waiting list completely;
  - Close the list during certain times of the year; or
  - Restrict intake by preference, type of project, or by size and type of dwelling.
- b) A decision to close the waiting list will consider the number of applications for each size and type of unit, the number of applicants who qualify for a preference, and the ability of the HA to house applicants in 12 months. Decisions to close waiting lists, restrict intake, or open waiting lists will be publicly announced.
- c) When the waiting list is closed, the HA will not maintain a list of individuals who wish to be notified when the waiting list is re-opened.

### **3. Determining if the Waiting List may be Closed.**

- a) Closing of Application Taking:

The HA will make known to the public through publication in a newspaper of general circulation, minority media, or other suitable means that applications for public housing units are being suspended. To reach persons who cannot read the

## Admission and Continued Occupancy Policy

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newspapers, the HA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.

b) **Opening of Application Taking:**

When the HA decides to start taking applications, the waiting list may be opened by bedroom size. The HA will make known to the public through publication in a newspaper of general circulation, minority media, or other suitable means the availability and nature of housing assistance for eligible families. The notice must contain the following:

- The date applications will be accepted and the location where applications can be completed. If the HA anticipates suspending the taking of applications after a period of time, the closing date must be published;
- Advise families that applications will be taken at the designated office;
- Briefly describe the public housing program;
- State that applicants for public housing must specifically apply for the public housing units and those applicants for public housing may also apply for to the Section 8 program, if applicable, and they will not lose their place on the public housing waiting list if they also apply for Section 8 assistance. For this to be applicable the HA must have a Section 8 program and be accepting applications for Section 8 assistance; and
- To reach persons who cannot read the newspapers, the HA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.

**NOTE:** The application taking closing date may be determined administratively at the same time that the HA determines when to open enrollment. The open enrollment period shall be long enough to allow sufficient applicants that will be required in the next 12 months because of the projected turnover and the number of public housing vacancies.

#### **4. Updating the Waiting List:**

At least once a year the HA will update each waiting list by contacting all applicants in writing, or by the method designated at initial application by applicants with disabilities. Written communications will be sent by first class mail to the most current address supplied by the applicant. This is in addition to ongoing purging through the offering of units. (Offer letter must state that failure to respond will result in removal from the waiting list).

**NOTE:** If no response is received by the due date, the HA will withdraw the name of an applicant from the waiting list. Mail returned undeliverable by the post office will be retained unopened by the HA in the applicant file.

At the time of initial intake, the HA will advise families that they must notify the HA, in writing, when their circumstances, mailing address or phone number(s) change.

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## **5. Change in Preference Status While on the Waiting List:**

- a) Situations of some families who did not qualify for a preference when they applied may change so they are qualified for a preference. The family should contact the HA so their status may be certified or verified. Applicants whose preference status changes while they are on the waiting list retain their original date and time of application, or application number, as applicable.
- b) If the HA determines that the family does now qualify for a preference, they will be moved up on the waiting list in accordance with their preference(s) and their date and time of application. They will then be informed in writing of how the change in status has affected their place on the waiting list.

## **D. Processing Applications for Admission:**

### **1. How to Apply:**

Families wishing to apply for Public Housing shall complete an application for public housing assistance. Applications may be made in person during specified dates and business hours posted at the HA's office(s) at the following location(s): 340 11<sup>th</sup> Avenue West, Guin, Alabama.

- Completed applications will be accepted for all applicants and the information will be verified by the HA.
- The application must be dated, time-stamped, and referred to the HA's office where resident selection and assignment is processed.
- Individuals who have a physical impairment which would prevent them from completing an application in person may call the HA to make special arrangements to complete their application. A Telecommunication Device for the Deaf (TDD) is no longer required as these services are available through the telephone service provider. If the applicant is visually impaired, all notices must be in a format understandable by applicant.
- Form HUD-92006, Supplement to Application for Federally Assisted Housing, shall be completed as appropriate at admission and/or recertification. This form shall remain confidential.

### **2. Interviews and Verification Process:**

As applicants approach the top of the waiting list, they will be contacted by first class mail to schedule an interview to complete their applicant file. Applicants who fail to attend their scheduled interview or fail to reply to the letter will have their applications withdrawn, subject to reasonable accommodations for people with disabilities.

The following items (MUST) be verified to determine qualification for admission to the HA's housing:

- a) Family type (elderly/disabled/near elderly /non-elderly); May be verified by examination of: birth certificate, driver's license or other government ID card with photo, marriage license, SSI verification, licensed doctor statement, or other similar document.
- b) Verification of family composition is verification of the members who will live in the unit which meet the definition of a family defined in this policy.

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c) Annual Income:

Income verification will be conducted in the chronological order listed below: Each step must be documented prior to proceeding to use the next option. The specified order listed below must be followed:

Step	Action
1st	<p>Compare tenant provided income information (minimum of 6-8 weeks current and consecutive pay stubs/checks) to Enterprise Income Verification (EIV) and if tenant data is within \$200/month or \$2400/year use tenant provided data. If the tenant disputes the EIV data or if the difference is greater than \$200/month or \$2400/year go to step 2. <b><u>USE OF EIV FOR ANNUAL AND INTERIM REEXAMINATIONS IS HUD MANDATED</u></b></p> <p><b>NOTE 1:</b> EIV is generally available for new move-ins within 7 days of submission of Form HUD-50058</p> <p><b>NOTE 2:</b> Document by printing “ICN” page and placing in the tenant file.</p> <p><b>NOTE 3:</b> If no match is found print the “no match found” message and file with tenant record.</p> <p><b>NOTE 4:</b> Printed EIV income reports containing wage and unemployment data must be destroyed no later than two (2) years after the date printed.</p>
2nd	<p>Up front income verification (UIV) (Ex: Work Number, Credit Bureau). If desired information is NOT obtained go to next step.</p>
3rd	<p>Third party written verification. Send standard income verification to income source(s). May be sent by mail or fax.</p> <p><b>Note: <i>If a desirable response is not received in a timely manner a 2nd letter may be sent but not required in all cases.</i></b></p> <p>If desired information is NOT obtained go to next step.</p>
4th	<p>Third Party oral verification (documented to file). This could be via phone or interview by staff. A written record of this contact should be prepared by the HA that includes: date/time of contact, name and source of information, the HA staff person, summary of information provided, and the reason for using oral verification.</p> <p>If desired information is NOT obtained go to next step.</p>
5th	<p>Document Review: Resident file documentation may include a record of documentation reviewed by the HA staff which supports the family's statement. If possible, original copies (not photocopies) of supporting documents should be reviewed, though the HA should photocopy the document(s) (unless prohibited by law) and place in the applicant's file. The HA staff reviewing the document(s) should prepare a summary of the information and sign/date this summary. This summary should include the reason for using document review as verification and again, if possible, the HA should follow-up with a third party to obtain written verification later.</p> <p>If desired information is NOT obtained go to next step.</p>
6th	<p>Family Declaration or Certification: When all other forms of verification are impossible to obtain, the HA can obtain a notarized statement or signed affidavit from the family, attesting to the accuracy of the information provided. The applicant's file should clearly document why other forms of verification were</p>

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impossible to obtain. Please note that this type of documentation should rarely be used and should not be used merely for the convenience of the applicant or the HA, or where the applicant cannot provide the necessary information. Note: May require re-verification in less than 12 months.
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- d) Assets and Asset Income;  
Same as income (start with 2nd step)
- e) Social Security and SSI;  
Check EIV, if not available: request that the applicant provide a copy of their SS or SSI benefit letter, dated within the last 60-days. If the applicant does not have a current letter, assist the applicant in requesting the benefit letter from the SSA website. [www.socialsecurity.gov](http://www.socialsecurity.gov)
- f) Deductions from Income;  
Same as income (start with 2nd step)
- g) Preferences;  
Same as income (start with 2nd step)
- h) Social Security Numbers (SSN) of all Family Members; Families are required to provide SSN's for all family members prior to admission. All members of the family defined above must provide an original valid social security card.
  - Current family members without a copy of the social security card in the tenant file must provide an original valid card by the next annual recertification.
  - Prior to being added to the lease (newborns/adoptions/etc.) the head-of-house must provide an original valid card.

NOTE: Exception for the following individuals:

Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.

- A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.
  - A family that consists of two or more household members **and at least one** household member that has eligible immigration status, is classified as a mixed family, and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. The PHA may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
- i) Applicant Screening Information; and the HA documented direct knowledge or 3rd party
  - j) Citizenship or eligible immigration status. Citizens are permitted to certify to their status. Eligible Immigration status will be verified with INS.
3. Applicants reporting zero income will be asked to complete a family expense form to document how much they spend on: food, transportation, health care, child care, debts, household items, etc. and what the source of income is for these expenses.
  4. The HA's applications for admission public housing shall indicate for each application the date and time of receipt; applicant's race and ethnicity; determination by the HA as to eligibility of the applicant; when eligible, the unit size(s) for which eligible;

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preference, if any. The date, location, identification, and circumstances of each vacancy offered and accepted or rejected must be maintained.

## **E. The Preference System**

### **1. An admission preference:**

An admission preference does not guarantee admission. Preferences establish the order of placement on the waiting list. Every applicant must still meet the HA's Selection Criteria before being offered a unit.

### **2. Factors other than preferences:**

Before applying its preference system, the HA will match the characteristics of the available unit to the applicants available on the waiting list. Unit sizes, accessibility features, or type of project limit the admission of families to households whose characteristics match the vacant unit available. By matching unit and family characteristics, families lower on the waiting list may receive an offer of housing before families with an earlier date and time of application or families with a higher preference (e.g. the next unit available is an accessible unit and the only applicant family needing such features is in the non-preference pool, i.e. having no preference). Factors other than the preference system that affect applicant selection are described below:

- a) When selecting a family for a unit with accessible features, the HA will give a preference to families that include persons with disabilities who can benefit from the unit's features. First preference will be given to existing resident families seeking a transfer and second preference will be given to applicant families. If no family needing accessible features can be found for a unit with such features, the HA will house a family not needing the unit features, but a non-disabled family in an accessible unit will be required to move so that a family needing the unit features can take advantage of the unit.
- b) When selecting a family for a unit in housing designated for elderly families, or disabled families, if any, the HA will give a priority to elderly, disabled or near elderly families.
- c) When selecting a family for a unit in a property that houses elderly and disabled families, as opposed to a general occupancy development that houses non-elderly families as well, the HA will give equal priority to elderly families and disabled families.
- d) When selecting a single person at a mixed population development, elderly, disabled, or displaced single persons have priority over other singles. Single applicants who are not elderly, disabled, or displaced can only be admitted after all elderly or disabled families or single displaced persons have been offered units.

**NOTE:** Preferences will be granted to applicants who are otherwise qualified and who, at the time of the unit offer (prior to execution of a lease); meet the definitions of the preferences described below. The HA will not hold units vacant for applicants with preferences, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with preferences.

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### **3. Verification of Preferences:**

At the time of application, initial determinations of an applicant's entitlement to a preference may be made on the basis of an applicant's certification of their qualification for that preference. Before selection is made, this qualification must be verified.

### **4. Preference (up front):**

The following preference is available to qualifying families at this time:

- Catastrophic Involuntary Displacement, which is defined in this policy;

### **5. Special Circumstance Preferences:**

These preferences apply only to specific units

- Near-elderly families over other families for units designated for elderly/disabled;
- For one bedroom/efficiency units; elderly, disabled families and displaced persons over single persons.

### **6. Administration of the Preferences:**

- a) Depending on the time an applicant may have to remain on the waiting list, the HA will either verify preferences at the time of application (when the waiting list is short or nonexistent) or require that applicants certify to their qualification for a preference at the time of pre-application (when the wait for admission exceeds four months). Verifying preferences is one of the earliest steps in processing applicants for admission. Preference verifications shall be no more than 120 days old at the time of certification.
- b) The HA may use a pre-application to obtain the family's certification that it qualifies for a preference. The family will be advised to notify the HA of any change that may affect their ability to qualify for a preference.
- c) Applicants that are otherwise eligible and self-certified as qualifying for a preference will be placed on the waiting list in the appropriate applicant pool.
- d) Applicants that self-certify to a preference at the time of pre-application and cannot verify current preference status at the time of certification will be moved into the non-preference category, and to a lower position on the waiting list based on date and time of application, if applicable.

### **7. Notice and Opportunity for a Meeting:**

If the HA determines that an applicant does not meet the criteria for a preference, the HA must promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reasons for the determination, and state that the applicant has the right to meet with the HA's designee to review it. If requested within the time given in the notice the meeting must be conducted by a person or persons designated by the HA. The person designated by the HA to conduct the informal hearing shall be an impartial person appointed by the HA other than a person who made the approval of the HA's action under review or a subordinate of such person. The procedures specified in this section must be carried out in accordance with HUD's requirements. The applicant may exercise other rights if the applicant believes that he

# Admission and Continued Occupancy Policy

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or she has been discriminated against on the basis of race, color, age, religion, sex, disability, familial status, and national origin.

**NOTE:** The HA grievance procedure applies only to residents. It does NOT apply to applicants.

## **F. Screening Applicants for Admission.**

### **1. HUD Regulations**

All applicants shall be screened in accordance with HUD's regulations and sound management practices. During screening, the HA will require applicants to demonstrate ability to comply with essential provisions of the lease. The HA will ask if the Applicant requires any special accommodations or presence of a third party to help them with the application process and tenancy.

### **2. Complying with essential lease requirements:**

- a) Applicant ability and willingness to comply with the essential lease requirements will be checked and documented in accordance with this policy. Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing. Any costs incurred to complete the application process and screening will be paid by the HA.
- b) The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:
  - Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
  - Adversely affect the physical environment or financial stability of the project;
  - Violate the terms and conditions of the lease;
  - Require services from the HA staff that would alter the fundamental nature of the HA's program.
- c) The HA will conduct a detailed interview of all applicants using an interview checklist as a part of the screening procedures. The form will ask questions based on the essential elements of tenancy. Answers will be subject to third party verification.
- d) The HA will complete a credit check and a rental history check on all applicants.
- e) Payment of funds owed to any HA or any other federally subsidized housing program is part of the screening evaluation. Outstanding balances will result in the rejection of the application.

**NOTE:** Applicants that owe a HA or any other federally subsidized program funds will not be processed for occupancy. The applicant must pay the funds owed prior to the application being processed. After the application is processed, the applicant must meet all other conditions for occupancy. Re-paying funds that are due, do not necessarily qualify an applicant for occupancy. Such payments will be considered along with other factors in the application process. Any money owed

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to a HA which has been discharged by bankruptcy shall not be considered in making this determination.

- f) The HA will complete a criminal background check on all adult applicants or any member for whom criminal records are available. Before the HA rejects an applicant on the basis of criminal history, the HA must notify the household of the proposed rejection and proceed under the provisions of the Criminal Records Management Policy.
- g) The HA will verify the information provided by the applicant by searching the Dru Sjodin National Sex Offender Database. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries. The website for the database is located at: <http://www.nsopw.gov>. A record of this screening, including date performed, will be retained. The HA will destroy the results of the search in accordance with 24 CFR 5.903 (g). The HA will retain the results of the search, along with the application, for a period of three years if the applicant is denied housing or, if the applicant is admitted to the program, for the term of tenancy plus three years.
- h) If any screening activity suggests that an applicant household member may be currently engaged in illegal use of drugs, the HA may seek information from a drug abuse treatment facility or local law enforcement agency to determine whether the facility or agency has reasonable cause to believe the household member is currently engaging in illegal drug use.
- i) The HA may complete a home visit on all applicants that have passed criminal history screening and have incomplete or questionable landlord references to determine if the applicant(s) housekeeping would create health or sanitation problems. Staff completing the home visit will consider whether the conditions they observe are the result of the applicant(s) treatment of the unit or are caused by the unit's overall substandard condition.
- j) Housekeeping criteria to be checked shall include, but not be limited to:
  - Conditions in living room, kitchen (food preparation and clean-up), bathroom, bedrooms, entrance-ways, halls, and yard (if applicable);
  - Cleanliness in each room; and
  - General care of appliances, fixtures, windows, doors and cabinets.Other: The HA lease compliance criteria will also be checked, such as:
  - Evidence of destruction of property;
  - Unauthorized occupants;
  - Evidence of criminal activity; and
  - Conditions inconsistent with application information.

**NOTE:** All applicants shall have at least a two-day advance written notice of home visits.

- k) All applicants may be asked to attend and complete the HA's Pre-Occupancy Orientation.
- l) The HA's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of the applicant family's

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adult members:

- Past performance in meeting financial obligations, especially rent and utility bills.
- Record of disturbance of neighbors (sufficient to warrant a police call) destruction of property, or living or housekeeping habits that may adversely affect the health, safety, or welfare of other residents or neighbors.
- History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property or other criminal acts including drug-related criminal activity that could adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development.

**NOTE:** The HA may require an applicant to exclude a household member in order to be admitted if that household member has participated in or been culpable for criminal actions that warrant rejection.

- A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
  - An applicant(s) ability and willingness to comply with the terms of the HA's lease.
- m) The HA is required to reject the applications of certain applicants for criminal activity or drug abuse by household members:
- The HA shall reject the application of any applicant for three years from the date of eviction if any household member has been evicted from any federally assisted housing for drug-related criminal activity. However, the HA may admit the household if the HA determines that:
    - The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the HA, or
    - The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
  - The HA is required to reject the application of a household if the HA determines that:
    - Any household member is currently engaging in illegal use of a drug; or
    - The HA 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;
    - Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing;
    - Any member of the household is subject to a lifetime registration requirement under a state sex offender registration program; or
    - Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

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

- n) An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition, or rent will result in rejection. In the event the misrepresentation is discovered after admission, the lease will be terminated for such misrepresentation. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.
- o) Applicants must be able to demonstrate the ability and willingness to comply with the terms of the HA's lease, either alone or with assistance that they can demonstrate they will have at the time of admission. Availability of assistance is subject to verification by the HA.
- p) Have previously been evicted from public housing, including having moved from the HA as a result of their lease being terminated by the HA.
- q) Committed acts, which would constitute fraud in connection with any federally, assisted housing program.
- r) Did not provide information required within the time frame specified during the application process.
- s) During the interview process, the applicant demonstrates hostile behavior that indicates that the prospective applicant may be a threat to our public housing residents.
- t) The applicant and all adults must sign a release allowing the HA to request a copy of a police report from the National Crime Information Center, police department or other law enforcement agencies. If the HA uses the information to deny or terminate assistance the HA must provide a copy of the information used in accordance with Criminal Records Management Policy.
- u) If the applicant is a former Public Housing or Section 8 participant who vacated the unit in violation of his lease, the applicant may be declared ineligible.

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

- a) If negative information is received about an applicant, the HA shall consider the time, nature, and extent of the applicant's conduct and other factors that might indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.
- b) Mitigating circumstances are facts relating to the applicant's negative rental history or behavior, that, when verified, indicate. The reason for the unsuitable rental history and/or behavior; and that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, AND applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the

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- screening process.
- c) If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, the HA shall refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. The HA shall also have the right to request further information to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.
  - d) Examples of mitigating circumstances might include:
    - Evidence of successful rehabilitation;
    - Evidence of the applicant family's participation in social service or other appropriate counseling service; or
    - Evidence of successful and sustained modification of previous disqualifying behavior.
  - e) Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. The HA will consider such circumstances in light of:
    - The applicant's ability to verify the mitigating circumstances and prospects for improved future behavior;
    - The applicant's overall performance with respect to all the screening requirements; and
    - The nature and seriousness of any criminal activity, especially drug related criminal activity that appears in the applicant's record.

#### 4. Qualified and Unqualified Applicants:

- a) Verified information will be analyzed and a determination made with respect to:
  - Eligibility of the applicant as a family;
  - Eligibility of the applicant with respect to income limits for admission;
  - Eligibility of the applicant with respect to citizenship or eligible immigration status;
  - Unit size required for and selected by the family;
  - Preference category (if any) to which the family is entitled; and
  - Qualification of the applicant with respect to the Selection Criteria.
- b) Qualified (DETERMINED TO BE ELIGIBLE):

Families will be notified by the HA of the approximate time frame of admission insofar as that date can be determined; however, the time frame stated by the HA is an estimate and does not guarantee that applicants can expect to be housed by that date.
- c) Denied (DETERMINED TO BE INELIGIBLE):

Generally, applicants may be denied admission to Public Housing for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below:

  - 1) Denied admission for up to one year for the following:
    - Past rental record,
    - Bad rent paying habits,

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- Bad housekeeping habits, in and outside the unit,
  - Damages,
  - Disturbances,
  - Live-ins,
  - Demonstration of hostile behavior during the interview process that indicates that the applicant may be a threat to staff or residents,
  - Being evicted from a HA, including having moved from a HA as a result of their lease being terminated by the HA for reasons other than as listed below (beginning on the date of such eviction),
  - Having other federally subsidized housing assistance terminated for reasons other than as listed below (beginning on the date of such eviction).
- 2) Denied admission for up to three years for the following:
- Persons evicted from public housing, Indian Housing, Section 8, or Section 23 programs because of drug-related criminal activity (except drug trafficking) are ineligible for admission to public housing for up to a three-year period beginning on the date of such eviction.
  - The HA will consider mitigating circumstances including successful completion of a rehabilitation program approved by the HA, or the circumstances leading to the eviction no longer exist.
  - Drug use without evidence of rehabilitation.
- 3) Denied admission for up to five years for the following:
- Fraud: (giving false information on the application or during an interview is considered fraud).
  - A criminal record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on date of the last reported act or conviction.
- 4) Denied admission for up to 10 years for the following:
- From date of conviction for drug trafficking.
- 5) Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
- 6) Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed") **on the premises of any federally assisted housing**. Premises are defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

**NOTE:** These time frames (with the exception of 5 & 6) are only guidelines and the HA may deny admission to any individual whose behavior may adversely affect the health, safety or welfare of other residents or may admit persons who exhibit evidence of rehabilitation.

d) Notice to Deny Applicants:

Unqualified applicants will be promptly notified by a Notice of Rejection from the HA, stating the basis for such determination and offering an opportunity for informal hearing (see Procedure for Informal Hearing for Rejected Applicants). The denial letter will allow the applicant 10 calendar days to request an informal

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meeting (verbal and/or in writing) with the HA. A HA representative will hear the appeal and issue a decision within 10 calendar days of the meeting. Informal hearings for applicants are different from the resident grievance process. Applicants are not entitled to use of the resident grievance process.

### **G. Occupancy Guidelines:**

#### **1. Guidelines:**

The following guidelines shall determine the number of bedrooms required to accommodate each family without overcrowding or over-housing. These guidelines may be waived only when necessary to achieve or maintain full occupancy and after every effort has been made to stimulate applications from families appropriate to the existing vacancies. Families may be assigned improper sized units, with the written agreement, that they must transfer to the appropriate size unit when instructed to do so by the HA. Otherwise, the following occupancy standards shall apply:

#### **Guidelines**

<b>Number of Bedrooms</b>	<b>Number of Persons</b>	
	<b>Minimum</b>	<b>Maximum</b>
0 Br	1	1
1 Br	1	2
2 Br	2	4
3 Br	3	6
4 Br	4	8
5 Br	5	10
6 Br	6	12

The following principles govern the size of unit for which a family will qualify. Generally, two people are expected to share each bedroom, except that units will be so assigned that:

- a) It will not be necessary for adults of different generations or opposite sex, other than spouse's or persons who represent themselves as a couple, to occupy the same bedroom, although they may do so at the request of the family.
- b) Exceptions to the largest permissible unit size may be made in case of reasonable accommodations for a person with disabilities. In the case of chronic illness, or other physical infirmity, a deviation from the occupancy guidelines, as presented above, is permissible when justified with evidence and documentation from a licensed physician.
- c) Two children of the opposite sex over the age of six years will not be required to share a bedroom, although they may do so at the request of the family.
- d) An unborn child will not be counted as a person in determining unit size. At the option of the HA, an infant, up to the age of two years, may share a bedroom with its parent(s). A single pregnant woman will be assigned to a one-bedroom unit.
- e) The HA will count a child who is temporarily away from the home because the child has been placed in foster care for six months or less, is away at school or other situations that can be documented.

## Admission and Continued Occupancy Policy

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- f) A single head of household parent shall not be required to share a bedroom with his/her child over the age of two years, although they may do so at the request of the family.
- g) A live-in aide may be assigned a bedroom. Single elderly or disabled residents with live-in aides will be assigned two bedroom units.
- h) Efficiency apartments will be occupied first by persons who prefer efficiencies to one bedroom units. Once applicants who prefer efficiencies have been housed, single individuals applying to mixed population buildings who wish to live in one bedroom units (rather than efficiencies) will be offered a unit based on their position on the waiting list to determine whether they will be offered a one bedroom or efficiency.

### 2. The general HUD standard:

Two persons per bedroom will be the standard for the smallest unit a family may be offered.

**NOTE:** Individual housing units with very small or very large bedrooms or other specific situations that inhibit or encourage lower or higher levels of occupancy may be permitted to establish lower or higher occupancy levels so long as the occupancy levels will not discriminate on the basis of familial status. The largest unit size that a family may be offered would provide no more than one bedroom per family member, taking into account family size and composition.

**NOTE:** Exceptions may be made to allow for full utilization of all bedroom sizes. Family will be required to sign an acknowledgment that they will be required to move to the proper size unit if their unit is needed to house a family requiring the larger unit.

### 3. Family Options:

If a family opts for a smaller unit size than would normally be assigned under the unit size standard (because, for example, the list is moving faster) the family will be required to sign a statement agreeing to occupy the unit assigned at their request until their family size, or circumstances (other than age of family members) change.

**NOTE:** When a family is actually offered a unit, if they no longer qualify for the unit size where they were listed, they will be moved to the appropriate waiting list, retaining their preferences and date and time of application. This may mean that they may have to wait longer for a unit offer.

## VII. TENANT SELECTION AND ASSIGNMENT PLAN

Check One	This HA maintains the checked waiting list method
<input type="checkbox"/>	Community-wide Waiting List
<input type="checkbox"/>	Site-based Waiting Lists

# Admission and Continued Occupancy Policy

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## A. Organizing the Waiting List

### 1. Community-wide Waiting List:

It is the HA's policy that each applicant shall be assigned his/her appropriate place on a single community-wide waiting list in sequence based upon:

- Type and size of unit needed (e.g. general occupancy building, accessible or non-accessible unit, number of bedrooms);
- Applicant preference or priority, and
- Date and time the application is received.

**NOTE:** The HA will maintain its waiting list in the form that records the type and size of unit needed, each applicant's priority/preference status, the date and time of application, and the race and ethnicity of the family head.

### 2. Site-based Waiting List:

If the HA has elected to operate site-based waiting lists, the application for such lists shall be a part of the HA's Annual Plan.

- All current applicants for units of the size and type offered at developments with site-based waiting lists will be given an opportunity to be listed on all waiting lists where they would accept a unit offer.
- Once the initial site-based lists are established, all applicants will be informed of the length of each list and have an opportunity when their application is updated to change their site selection.
- Although applicants will have an opportunity to select the sites where they wish to receive offers, the waiting list and unit offers will continue to be administered centrally.
- Type and size of unit needed (e.g. general occupancy building, accessible or non-accessible unit, number of bedrooms);
- Applicant preference or priority; and
- Date and time the application is received.

**NOTE:** The HA will maintain its waiting list in the form that records the type and size of unit needed, each applicant's priority/preference status, the date and time of application, and the race and ethnicity of the family head.

## B. Making Unit Offers to Applicants

**NOTE:** The **HA IS RESPONSIBLE** for keeping accurate records evidencing: eligibility status on waiting list, position on waiting list, offers made, and offers rejected (reason), and date housed. ***\*\*To meet this requirement, it is suggested that the HA keep a printed copy of the waiting list each time it is reordered, unless a historical electronic copy can be produced\*\**** See record retention section.

## Admission and Continued Occupancy Policy

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1. To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability, or familial status in this policy, a one offer system will be used to make unit offers.
  - The first qualified applicant in sequence on the waiting list is made one offer of a unit of appropriate size and type.
  - If the applicant refuses a unit offer without good cause the date and time of their application will be changed to the date and time of the refusal and loss of any preference. Refusal because of good cause will not result in loss of current position on waiting list. This must be documented to and verified by the HA.
2. The HA will first match the unit available to the highest ranking applicant for a unit of that size, type and special features (if any), taking into account any designated housing (if applicable). Preferences will then be used to determine the order of selection from the waiting list. If two applicants need the same type and size of unit and have the same preference status, the applicant with the earlier date and time of application will receive the offer.
3. In the selection of a family for a unit with accessible features, the HA will give preference to families that include a person with disabilities who can benefit from the unit features. (Current residents have priority over applicants for being housed in an accessible unit.)
4. Vacant elderly or disabled designated units will be offered to the near elderly if there are no eligible elderly or disabled persons on the waiting list. Other families will be offered these units if no eligible near elderly are on the waiting list.
5. The applicant must accept the vacancy offered within seven working days of the date the offer is communicated by first class mail (or the method of communication designated by an applicant with disabilities) or be removed from the waiting list.
6. If more than one unit of the appropriate size and type is available, the first unit to be offered will be the unit that is anticipated to be ready for move-in first. If two units are anticipated to be ready for move-in on the same day, the first unit to be offered will be the unit that became vacant first.
7. The provisions of the deconcentration rule, contained within this policy, shall supersede the selection of applicants based on date and time and local preference points, if applicable, and allow the HA to skip families on the waiting list to accomplish this goal.

**NOTE:** For every fiscal year, each HA shall reserve a percentage of its new admissions for families whose incomes do not exceed 30% of the area median income. The goal for public housing shall be 40% of new admissions. In reaching the new admissions goals, the HA is required to avoid concentrating very low-income families in projects and must comply with the Deconcentration Policy.

## Admission and Continued Occupancy Policy

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**EXPLANATION:** The purpose of the Deconcentration Policy is to maintain a resident body in each development composed of families with a broad range of income and rent paying ability which is generally representative of the range of incomes of low income families in the HA's area of operation as defined by state law.

### **C. Removing Applicant Names from the Waiting List:**

To ensure vacant units are filled in a timely manner, the HA needs a waiting list that is accurate. While each applicant must keep the HA apprised of changes in address, phone number, income or other circumstances, no applicant shall be removed from the waiting list except when one of the following situations occurs:

1. The applicant receives and accepts an offer of housing;
2. The applicant requests in writing that his/her name be removed from the waiting list;
3. The applicant is rejected, either because he/she is ineligible for public housing at the time of reexamination, or because he/she fails to meet the applicant selection criteria; or
4. The application is withdrawn because the HA attempted to contact the applicant and was unable to do so. In attempting to contact an applicant, the following methods shall be undertaken before an application may be withdrawn:
  - The applicant will be sent an offer letter by first class mail to the applicant's last known address, asking the applicant to contact the HA within seven business days, or;
  - The applicant will be sent a letter of continued interest by first class mail to the applicant's last known address, asking the applicant to contact the HA within seven business days, or;

**NOTE:** If an applicant contacts the HA as required within any of the deadlines stated above, he/she shall be housed or retained on the waiting list.

5. Persons who fail to respond to the HA attempts to contact them because of verified situations related to a disability shall be entitled to a reasonable accommodation. In such circumstances the HA shall reinstate these individuals to their former waiting list positions.
6. Families whose applications are withdrawn or rejected must reapply for housing only when the waiting list is open. Families whose applications were rejected may not reapply for 12 months.

### **D. Good Cause for Applicant Refusal of Unit Offer:**

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

1. Examples of (good cause) for refusal of an offer of housing are:

## Admission and Continued Occupancy Policy

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- The unit's location is inaccessible to source of employment, education, or job training, children's day care, or educational programs for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities;
  - The family demonstrates that accepting the offer will place a family member's life, health, or safety in jeopardy. The family must provide specific and compelling documentation such as restraining orders, other court orders, or risk assessments from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;
  - A health professional verifies temporary hospitalization or recovery from illness of the principal household member or other household members (each as listed on final application);
  - The unit has lead paint and the family has children under the age of seven;
  - The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move;
  - An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing; or
  - The HA has HUD-approved site-based waiting lists and the offer is not for one of the sites the applicant has selected.
2. If good cause is verified, the refusal of the offer shall not require that the applicant be dropped to the bottom of the waiting list or otherwise affect the family's position on the waiting list.

### **E. Leasing Accessible Units:**

1. Before offering a vacant accessible unit to a non-disabled applicant, the HA will offer such units:
  - First, to a current public housing resident having a disability that requires the special features of the vacant unit.
  - Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.
2. When offering an accessible/adaptable unit to a non-disabled applicant, the HA will require the applicant to agree to move to an available non-accessible unit within 30-days when a current resident or an applicant with a disability needs the unit. This requirement is also reflected in the lease signed with the applicant.

### **F. Administering the Applicant and Transfer Waiting Lists:**

Check One	The HA must select one of the following methods
<input type="checkbox"/>	Applications for admission and transfer will be processed centrally. Initial intake, waiting list management, screening, and assignment of housing (including transfers) will be made from the central office. Offers may be made in person, in writing or by phone from the central office or the property.

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<input type="checkbox"/>	Applications for admission and transfer will be processed at the property level. Offers may be made in person, in writing or by phone.
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### **G. Transfers:**

Some transfers take priority over new admissions. See IX.

## **VIII. LEASING POLICIES**

### **A. General Leasing Policy:**

1. All units must be occupied pursuant to a lease that complies with HUD's regulations.
2. At a minimum the lease shall be signed by the head, spouse and a representative of the HA, prior to actual admission.
3. If a resident transfers from one HA unit to another, a new lease will be executed for the dwelling into which the family moves.
4. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:
  - a) A new lease agreement will be executed,
  - b) A Notice of Rent Adjustment (lease addendum) will be provided, or
  - c) A replacement first page to the lease agreement will be executed with the original lease date.

**NOTE:** All new leases and replacement pages are to be dated and signed by the resident(s) and a representative of the HA. Lease addendums provided by the Landlord and mailed to the resident **DO NOT** have to be executed (signed) by the resident.

5. Residents should advise the HA, in advance, if they will be absent from the unit for more than 14 days. The lease requires them to notify the HA by the fifth day of the absence. Residents shall notify the manager, secure the unit and provide a means for the HA to contact the resident in an emergency. Failure to advise the HA of an extended absence is grounds for termination of the lease.

### **B. Showing Units Prior to Leasing:**

1. When offering units, the HA will provide the applicant with the unit address and location of the property. If the offer of a unit is preliminarily accepted by the applicant, the HA will contact the applicant to set up a date to show the unit if desired by the applicant.
2. Once the unit is shown and the applicant accepts the unit and all the HA requirements have been met the lease will be signed by all parties. If the applicant refuses the unit, a signed reason for refusal should be obtained from the applicant. The form is then sent to the Occupancy department for a "good cause" determination.
3. No lease will have an effective date before the unit is ready for occupancy.

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### **C. Additions to the Household and Visitors:**

1. Only those persons listed on the most recent lease shall be permitted to occupy a dwelling unit.
  - Except for natural births to or adoptions by family members, or court awarded custody, any family seeking to add a new member must request approval in writing before the new member moves in. The family shall notify the HA of all births, adoptions and court awarded custody within ten days of the occurrence.
  - All persons listed on the most recent reexamination form and the lease must use the dwelling unit as their sole domicile.
2. When a resident requests approval to add a new person to the lease, the HA will conduct pre-admission screening of any proposed new member to determine whether the HA will grant such approval.
3. Examples of situations where the addition of a family or household member is subject to screening are:
  - Resident plans to be married and requests to add the new spouse to the lease;
  - Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren);
  - A unit is occupied by a remaining family member(s) under age 18 (who is not an emancipated minor) and an adult who is not a part of the original household, requests permission to take over as the head of the household.
  - See item 9 below for adding a minor using a Power of Attorney.
4. Residents who fail to notify the HA of additions to the household or who permit persons to join the household without undergoing screening are violating of the lease. Persons added without the HA's approval will be considered unauthorized occupants and the entire household will be subject to eviction.
5. Visitors may be permitted in a dwelling unit so long as they have no previous history of behavior on the HA premises that would be a lease violation.
  - Visits of more than 14 days in a calendar year shall be authorized only by the HA with advance documentation of extenuating circumstances.
  - Visitors remaining beyond this period without prior approval of the HA shall be considered unauthorized occupants and the head of the household shall be guilty of a breach of the lease.
6. Boarders, lodgers or others not on the lease shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease.
7. Residents will not be given permission to allow a former resident of the HA who has been evicted to occupy the unit for any period of time. Violation of this requirement is grounds for termination of the lease.
8. Family members who move from the dwelling unit shall be removed from the lease.
  - The resident shall report the move out within 10 calendar days of its occurrence.

## Admission and Continued Occupancy Policy

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- The individual(s) may not be readmitted to the unit and must apply as a new applicant household(s) for placement on the waiting list.
  - Medical hardship or other extenuating circumstances shall be considered by the HA in making determinations under this paragraph.
9. A resident may add a minor to the lease using the “Power of Attorney” provisions of Section 25-2A-7, Code of Alabama 1975. The HA shall require that the resident use the HA form, have the form filed and recorded with the Probate Judge, and return the recorded form to the HA office. The additional person must still meet all criteria of the admissions process and all other provisions of this ACOP shall apply, including the HA’s consideration of whether the unit will still be properly sized, etc. The HA shall verify that the person added to the lease via this method is actually living in the unit. The Power of Attorney is good for only one year and must be annually renewed, recorded, etc.

### IX. TRANSFER POLICY

#### A. Objectives of the Transfer Policy:

- To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- To facilitate relocation when required for modernization or other management purposes.
- To facilitate relocation of families with inadequate housing accommodations.
- To eliminate vacancy loss and other expense due to unnecessary transfers.
- To facilitate reasonable accommodations under the ADA.

#### B. Types of Transfers:

##### 1. HA Mandated:

The HA may at its discretion transfer residents because of an uninhabitable unit, major repairs, or other actions initiated by management. For these types of transfers, the HA will cover the cost of the transfer pursuant to HUD schedule of relocation cost.

##### 2. Transfers for Reasons of Health or ADA Reasonable Accommodation:

- a. **HEALTH:** Resident may be transferred when the HA determines that there is a medical need for such transfers. The resident will be required to provide a statement from a medical doctor, which indicates the condition of the resident. The HA may send a request to the doctor for verification to be submitted directly to the HA from the doctor. The HA reserves the right to make its own evaluation of the situation and documentation.
- i. The resident must pay for all moving expenses (unless it is for a reasonable accommodation).
  - ii. If the HA concludes that there is not a substantial and necessary medical need for a health transfer, the request shall be treated as a convenience transfer under Section IX.B.6.

## Admission and Continued Occupancy Policy

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- b. **ADA REASONABLE ACCOMMODATION:** If a resident requests a transfer as a reasonable accommodation under the American with Disabilities Act (ADA), the HA will request third party verification from the doctor. The HA will determine whether or not the request is reasonable and whether or not the ADA applies.
  - i. The HA will pay for all reasonable moving expenses pursuant to HUD schedule of relocation cost.
  - ii. If the HA concludes that the ADA does not apply, the HA will determine whether the transfer should be treated as a convenience transfer under IX.B.6. or as a Health transfer under Paragraph an above.
- c. Health/Reasonable Accommodation transfers will not incur a convenience transfer fee.
- d. Prior to approval of Health/Reasonable Accommodation transfers, the resident must be current on all utilities and other charges, excluding rent.
- e. Transfers for a reasonable accommodation take precedence over those on the waiting list needing a reasonable accommodation.
- f. Health/Reasonable Accommodation transfers will be within the resident's original neighborhood unless the appropriate size and type of unit does not exist on the site.

### 3. Other HA Initiated Transfers:

To correct occupancy standards, the HA may transfer residents to the appropriate sized units. Residents are obligated to accept such transfers. Transfers will be made in accordance with the following principles:

- Determination of the correct sized apartment shall be in accordance with the HA's occupancy guidelines.
- Transfers into the appropriate sized unit will be made within the same neighborhood unless that size does not exist on the site.
- The resident must pay for their moving expenses.
- To avoid concentrations of the most economically and socially deprived families. (Moving expenses paid by the HA).
- Incentive transfers are offered to residents who have good rental histories and want to move to units other than those they currently occupy on a non-discriminatory basis.

### 4. Incentive Transfers by HA:

The HA may occupy recently modernized and scattered site units through incentive transfers. Modernized units will be filled with incentive transfers, new applicants, or a combination of both in a manner that has the least impact on vacant units.

- Incentive transfers are offered to residents who have good rental histories and want to move to units other than those they currently occupy on a non-discriminatory basis.

### 5. Incentive Transfers Requested by the Resident:

Resident requests for incentive transfers should be made to their Housing Manager. Managers may also recommend a resident for an incentive transfer. To be considered for an incentive transfer, the following conditions must be met:

- Residency in a HA development for at least three years.

## Admission and Continued Occupancy Policy

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- No more than two repayment agreements or unpaid balances at any time in the past two years.
- No history of disturbances that resulted in lease violations or violence toward staff or neighbors as indicated by notices of lease violation in the applicant's file.
- Good housekeeping record.

**NOTE:** No exceptions will be granted to the good record requirement for incentive transfers. The resident is responsible for the cost of moving.

### **6. Convenience Transfers:**

The Executive Director or his/her designee may at his/her discretion permit a transfer to another housing community or public housing facility for the convenience of the resident. All costs of the transfer shall be borne by the resident. A "Transfer Charge" list is posted in the HA offices and is based on our contract price for maintenance and an administrative charge of \$\_\_\_\_\_ for processing the transfer. The HA updates the transfer charge list as needed. The HA will charge the actual cost of the transfer, which includes the administrative cost, the cost of preparing the unit for re-rental and, if applicable, a penalty for not turning in the keys to the old unit within three days of the transfer. The resident is allowed a period of three days to move and turn in the keys to the old unit without being charged a penalty. If the move takes more than three days, and the keys are not turned in the resident will be charged \$\_\_\_\_\_ per day for each additional day. Prior to the transfer, the Landlord will perform an inspection on the current unit to determine the amount of charges the resident will be required to pay as a result of resident-caused damages, if any. All transfer charges must be paid at the time the resident signs his/her lease and receives the keys for the new unit. The Landlord will perform a final inspection with the resident on the unit that the resident transferred from, after the keys are turned in, and a final determination will be made by the HA staff as to additional charges that may be due the HA. For example, the resident may not have cleaned the unit properly and/or damaged the unit during the moving process. If there are any charges that are due the HA because of this inspection, the resident must pay for these damages within 14 days of written notice from the HA. The resident must sign a transfer agreement after the HA has authorized the transfer and prior to the transfer.

**NOTE:** Request for transfers for convenience must be made in writing to the HA at the resident's rental office stating the reason for the requested transfer. The HA will issue a decision within 30 calendar days of receipt of the request and, if approved, provide the resident with a list of the charges that will be the resident's responsibility to pay prior to the transfer.

### **C. Priorities for transfers:**

All transfers must be either for health reasons, for relocation to an appropriate sized unit, approved convenience transfers, or initiated by the HA due to modernization work and/or other good cause as determined by the HA. Priority transfers are listed below:

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1. HA mandated and transfers for reasons of health or for ADA Reasonable Accommodations described above are mandatory transfers and take priority over new admissions.
2. Other HA initiated transfers are high priorities; the Executive Director has discretion to determine when these transfers should take precedence over admissions.
3. Convenience transfers are not a high priority and do not take priority over new admissions.

**NOTE:** Within each priority type, transfers will be ranked by date. In processing transfers requested by residents for approved health reasons or to move to a larger unit the date shall be the date the change in family circumstances are verified by the manager. The HA reserves the right to immediately transfer any family who has misrepresented family circumstances or composition, and the family will be charged the posted rate for convenience transfers. Failure to pay for these charges will result in termination of the dwelling lease.

### **D. Transfer Procedures:**

#### **1. The HA shall:**

- Prepare a prioritized transfer list, as needed, at re-examination.
- Notify residents by letter of their pending transfer.
- Participate in evaluation of request for transfer based on approved medical reasons.
- Issue final offer of vacant unit as soon as vacant unit is identified.
- Issue notice to transfer as soon as vacant unit is available for occupancy.
- Participate in planning and implementation of special transfer systems for modernization and other similar programs.
- Inspect both units involved in the transfer, charging for any resident damages that are not considered normal wear and tear.

#### **2. Offers:**

Only one offer of an appropriate unit will be made to each resident being transferred within his/her own neighborhood. A resident being transferred outside his own neighborhood will be allowed to refuse one offer(s). In the case of a family being transferred from a unit that is uninhabitable, incorrectly sized or scheduled for major repairs, failure to accept the unit offered, or the one unit offered in the case of a transfer outside the neighborhood, will be grounds for eviction. When a resident declines an offer of a transfer to a single level unit requested by the resident for health reasons, the HA will notify the resident, at that time, that the HA is not obligated to make any subsequent offers. The HA will notify the resident that the HA has discharged its obligations to the resident and he/she will remain in the unit at his/her own risk, and that the HA assumes no liability for the resident's condition.

**NOTE:** Right of HA in transfer policy: The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy shall create a property right or any other type of right for a resident to transfer or refuse transfer.

## Admission and Continued Occupancy Policy

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### **E. Good Record Requirement for Resident Requested (Convenience) Transfers:**

1. In general, and in all cases of resident requested transfers (except for medical reasons and/or ADA Reasonable Accommodation requests), residents will be considered for a transfer only if the head of household and any other family members for the past two years:
  - Have not engaged in criminal activity that threatens the health and safety of residents and staff;
  - Do not owe back rent or other charges or evidence a pattern of late payment;
  - Meet reasonable housekeeping standards and have no housekeeping lease violations; and
  - Can get utilities turned on in the name of the head of household (applicable only to properties with resident paid utilities).
2. Exceptions to the good record requirements may be made for emergency transfers, ADA Reasonable Accommodations, or when it is to the HA's advantage. Absent a determination of exception, the following policy applies to transfers:
  - If back rent or other charges are owed, the resident will not be transferred until paid in full.
  - A resident with housekeeping standards violations will not be transferred until he/she demonstrates acceptable housekeeping standards for six months and passes a follow-up housekeeping inspection.

### **X. ELIGIBILITY FOR CONTINUED OCCUPANCY, ANNUAL REEXAMINATIONS, AND REMAINING FAMILY MEMBERS (SEE ADMISSIONS SECTION FOR GUIDANCE)**

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

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

1. Qualify as a family as defined in the definition section of this policy. For purpose of continued occupancy, remaining family members qualify as a family so long as at least one of them is of legal age to execute a lease. Remaining family members can also include court recognized emancipated minors under age 18.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members, age six and older, each have Social Security numbers or have examinations on file indicating they have no Social Security number.
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent.
5. Who comply with the HA's eight hour per month community service requirements.

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## **B. Reexaminations:**

### **1. Regular (Annual) reexaminations:**

The HA shall, at least once a year, re-examine the family composition and incomes of all resident families. For families who choose flat rents, the HA must conduct a reexamination of family composition and community service requirements (WHEN APPLICABLE) at least annually, and must include a reexamination of family income at least once every three years.

- a) Each family will be required to furnish information in Section III (A) of the Dwelling Lease and in the Community Service Policy. Verifications acceptable to the HA shall be obtained and determinations made. In the event of failure or refusal of resident to report the necessary information, the HA may terminate the Lease. This reexamination shall be done at least 30-days and not more than 120-days prior to the anniversary month. The new rent shall take effect on the anniversary month.
- b) Records shall be maintained to insure every resident being reexamined within a 12-month period.
- c) Upon completion of reexamination and verification, resident shall be provided reasonable advanced notice (generally assumed to be 30 days), in writing, prior to the effective date of the following: (A copy of such notification is to be retained in the resident's file.)
  - Any change in rent and the date on which it becomes effective.
  - Any change required in the size of dwelling unit occupied.
  - Any instance of misrepresentation or noncompliance with the terms of the Dwelling Lease and the corrective action(s) to be taken.
  - The amount of the resident rent and the amount of the flat rent.
  - In the event of change in resident circumstances resident will be sent a notice to report to the management office at a specified date and time to execute a new first page of the lease.
- d) If this HA determines that the size of the premises is no longer appropriate for resident's needs, the resident may be required to transfer to another unit as outlined in the Transfers Section.

### **2. Special Reexaminations:**

Pre-scheduled extensions of admission or continued occupancy determinations, and will be considered for the following reasons:

- a) If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, a temporary determination of income and rent is to be made and a special reexamination shall be scheduled for 30, 60, or 90-days, depending on circumstances. The resident shall be notified, in writing, of the date of the special reexamination.
- b) If the family income can be anticipated at the scheduled time, the reexamination shall be completed and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special reexamination shall be prescribed and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.

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- c) Rents determined at special reexaminations shall be made effective as noted in the next section.
- d) When a family qualifies for an earned income disallowance, the date for their next regular reexamination shall be permanently adjusted to be 12 months following the date that the income disallowance began.
- e) Families reporting zero income will have their circumstances examined according to the special reexamination section until they have a stable income. Regular or recurring monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose shall be considered income.

### **3. Procedures:**

- 90 to 120 days prior to the anniversary date of lease, the HA will mail the resident a notice and appointment date for reexamination.
- At the time of reexamination, all adult members of the household will be required to complete and sign all applicable forms required by the HA and HUD to determine family composition and income.
- Income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified, and all verified findings will be filed in the resident's folder.
- An EIV report(s) will be generated prior to the reexamination interview.
- A credit check may be run on each family at reexamination to help detect any unreported income, family members not reported on the lease, etc.
- Verified information will be analyzed and a determination made with respect to:
  - Eligibility of the resident as a family or as the remaining member of a family;
  - Unit size required for the family (using the Occupancy Guidelines); and
  - Rent the family should pay.
- Residents with a history of sporadic or multiple temporary jobs whose reexamination occurs when they are not employed will have income anticipated based on past and anticipated employment when a pattern can be determined. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates.
- Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy.
- Residents shall be given a copy of the HA's Request for a Reasonable Accommodation Form and a copy of the VAWA forms.

### **4. Action Following Reexamination:**

- a) If there is any change in rent,
  - A new lease agreement will be executed,
  - A Notice of Rent Adjustment will be executed, or
  - A replacement first page to lease agreement will be executed.
- b) If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described in this policy and moved to an appropriate unit when one becomes available.

# Admission and Continued Occupancy Policy

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## XI. INTERIM RENT ADJUSTMENTS

### A. Adjusting Rent between Regular Reexaminations

1. Residents are required to report all changes in income, family composition or status to the HA in writing within 10 calendar days of the occurrence. Failure to report in writing within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. Residents are also required to report interim increases in income if they have been granted interim rent reductions.
2. The HA wishes to encourage families to improve their economic circumstances, so most changes in family income between reexaminations will not result in a rent change.
3. Complete verification of the circumstances applicable to rent adjustments must be documented and approved by the HA.
4. The HA will process interim adjustments in rent as follows:
  - a) Income Change:  
The HA action:
    - Decrease in family income for any reason, except for decrease that lasts fewer than 30-days. The HA will process an interim reduction in rent if the income decrease will last more than 30-days. Decreases in income resulting from welfare fraud or from welfare cuts for failure to comply with economic self-sufficiency requirements are not eligible for rent reductions.
    - Increase in family income following the HA granting of interim rent decrease. The HA will process an interim increase for income increases that follow interim rent reductions.
    - Increase in income because a person with income (from any source) joins the household. The HA will process an interim increase.
    - Increase in earned income from existing employment of a current household member. The HA will defer the increase to the next regular reexamination.
    - Increase in income from any new source. The HA will process an interim increase unless the individual is eligible for an earned income disallowance. The disallowance will be granted.
    - Incremental increases in family income due to pay increases or raises from existing employment. The HA will defer the increase to the next regular reexamination.
    - Increase in unearned income (e.g. COLA adjustment for social security). The HA will defer the increase to the next regular reexamination.
  - b) Resident Misrepresentation:
    - The HA will process an interim increase in rent if the resident has misrepresented or failed to report facts upon which rent is based, so the rent the resident is paying is less than it should have been. The HA will apply any increase in rent retroactive to the month following the month in which the misrepresentation occurred, or
    - Based on circumstances the HA may evict.

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### **B. Effective Date of Adjustments:**

Residents will be notified in writing of any rent adjustment and the effective date of the action.

1. Rent decreases go into effect the first of the month following the actual date of decrease and/or the date resident reported the decrease, whichever is later. Income decreases reported or verified after the resident accounting cut-off date will be effective the first of the second month with a credit retroactive to the first month.
2. Rent increases (except those due to misrepresentation or late reporting) require reasonable advanced notice (generally assumed to be 30 days) and become effective the first of the second month following the increase in income.\

## **XII. LEASE TERMINATION PROCEDURES**

### **A. General Policy: Lease Termination:**

No resident's lease shall be terminated except in compliance with HUD regulations, the lease terms, and state law.

### **B. Notice Requirements:**

1. No resident shall be given a Notice of Lease Termination without being told by the HA in writing the reason for the termination and the requirements necessary to cure deficiencies if curable.
  - The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply as he/she may wish.
  - Lease terminations for certain actions are not eligible for the Grievance Procedure, specifically: any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or the HA employees; and any drug-related criminal activity.
2. Notices of lease termination shall be in accordance with the lease.

### **C. Record-keeping Requirements:**

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

- Name of resident, race, ethnicity and unit number;
- Date of the Notice of Lease Termination and any other state or local notices required, which may be on the same form and run concurrently;
- Specific reason(s) for the Notice(s), with section of the lease violated, and other facts pertinent to the issuing of the Notice(s) described in detail;
- Date and method of notifying resident; and
- Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

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### XIII. UTILITIES

In some of the HA's developments, residents pay the cost of certain utilities directly to the supplier. At these properties, resident rents are reduced by an allowance for utilities developed by the HA in consultation with the utility supplier.

#### A. Resident-Paid Utilities:

The following requirements apply to residents living in developments with resident-paid utilities:

1. Each resident will receive a monthly utility allowance that reflects a reasonable amount of utilities for the specific size and type of unit occupied.
2. When a residents Total Tenant Payment is less than the utility allowance, the HA may pay a utility reimbursement, equal to the difference between one month's total tenant payment and the utility allowance, to the utility company on the resident's behalf.
3. It may be suggested to the resident to use a "Budget" plan, which protects the resident from seasonal fluctuations in utility bills and ensures adequate heat in the winter
4. When a resident makes application for utility service in his/her own name, he or she shall sign a third-party notification agreement so that the HA will be notified if the resident fails to pay the utility bill.
5. If an applicant is unable to get utilities connected because of a previous balance owed the utility company at a prior address, applicant will not be admitted and will receive a Denial of Assistance.
6. Maintaining utilities is the resident's obligation under the HA's lease. Failure to maintain utilities is grounds for lease termination and eviction.

#### B. Excess Utility Charges:

Check metered developments or buildings: In buildings that are check metered, residents shall have consumption based utility allowances that reflect the size and type of units and actual equipment provided by the HA. Check meters shall be read by the HA and each resident charged for consumption in excess of the utility allowance.

### XIV. FLAT RENTS/CEILING RENTS

#### A. Intent and Purpose:

Ceiling rents provide an incentive to remain in public housing to families whose flat rents were reduced to income based rents because of a hardship and whose incomes then increased so that an income based rent is unreasonable for the housing being provided. The ceiling rent is thus in effect only for the portion of the year between the family's interim increase in rent and their next annual reexamination (when they can elect the flat rent).

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### **B. Establishing Ceiling Rents:**

The HA has established ceiling rents for all dwelling units inventory wide. Ceiling rents for a class of units are based on the size, location or other characteristic that are unit based. The HA may revoke or raise ceiling rents at any time after giving reasonable notice to the affected residents.

### **C. Calculating Ceiling Rents:**

The HA will determine the minimum ceiling rents that can be charged for a unit. Ceiling rents are based on the flat rent plus any applicable utility allowance.

### **D. What the Resident Pays:**

Residents in units where ceiling rents are in effect pay the lower of the ceiling rent or income based rent.

### **E. Ceiling Rent Adjustments:**

Ceiling rents will be adjusted annually to the level of the “flat” rents plus the utility allowance.

### **F. Flat Rents:**

Flat rents are 80% of the published Fair Market Rent. A PHA may request a waiver to use market based rents or the minimum flat rent as determined by HUD requirements.

Once each year, only at admission or at the annual reexamination, all residents are offered the choice of paying an income based rent or the flat rent.

**NOTE:** The family must be offered the opportunity to go on “flat” or “income based” rent and the HA must maintain documentation of the offer and selection.

### **G. Annual Update of Flat Rents:**

The HA shall review the Flat Rent structure within 90 days of publication of the HUD approved Fair Market Rents and adjust the flat rents as needed. Residents on flat rent will not be affected by flat rent updates until their next regular reexamination.

### **H. Reexamination of Families on Flat Rents:**

Families paying flat rents are required to recertify income only every three years, rather than annually, although they are still required to participate in an Annual Reexamination in order to ensure that unit size is still appropriate and Community Service requirements are met.

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### XV. PROCEDURES TO BE USED IN DETERMINING INCOME AND RENT

#### A. Annual Income:

Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member including all net income from assets for the 12-month period following the effective date of initial determination or reexamination of income, exclusive of income that is temporary, non-recurring, or sporadic as defined below, or is specifically excluded from income by other federal statute. Annual income includes but is not limited to:

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business;
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property  
Name of resident, race, ethnicity, and unit number;

**NOTE:** If the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD;

4. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts (See below for treatment of delayed or deferred periodic payment of social security or supplemental security income benefits.);
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (See below concerning treatment of lump sum additions as family assets.);
6. All welfare assistance payments (Temporary Assistance for Needy Families, General Assistance) received by or on behalf of any family member;
7. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and

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**NOTE:** Regular contributions (including non-cash contributions) to the household must be considered income if they are not for medical expenses. For example, if someone who is not a household member pays the telephone bill or car payment every month, or buys gas, tires and insurance for the car, these contributions would be considered income for the purposes of the public housing program.

8. All regular pay, special pay, and allowances of a family member in the Armed Forces. (See below concerning pay for exposure to hostile fire.)

### **B. Items not Included in Annual Income:**

1. Income from the employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation), capital gains, one-time lottery winnings, and settlement for personal property losses (but see above if the payments are or will be periodic in nature);
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide provided the person meets the definition of a live-in aide;
6. The full amount of student financial assistance paid directly to the student or the educational institution;
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. Certain amounts received that are related to participation in the following programs:
  - a) Amounts received under HUD funded training programs (e.g. Step-up program: excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training);
  - b) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of SSI and benefits that are set aside for use under a Plan to Attain Self-sufficiency (PASS);
  - c) Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
  - d) A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for performing a service for the HA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more

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- than one such stipend during the same period of time; and
- e) Incremental earnings and/or benefits resulting to any family member from participation in qualifying state of local employment training program (including training programs not affiliated with the local government), and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by the HA;
9. Temporary, non-recurring, or sporadic income (including gifts);
  10. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
  11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse);
  12. Adoption assistance payments in excess of \$480 per adopted child;
  13. The incremental earnings and benefits to any resident:
    - Whose annual income increases due to employment of a family member who was unemployed for one or more years previous to employment;
    - Whose annual income increases as the result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
    - Whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state funded assistance, benefits or services, will not be increased during the exclusion period.

**For purposes of this paragraph, the following definitions apply:**

- a) State funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the HA in consultation with the local agencies administering Temporary Assistance for Needy Families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies, and transportation assistance: provided that the total amount over a six-month period is at least \$500.
- b) During the 12-month period beginning when the member first qualifies for a disallowance, the HA must exclude from Annual Income any increase in income as a result of employment. For the 12 months following the exclusion period, 50% of the income increase shall be excluded.
- c) Regardless of how long it takes a resident to work for 12 months (to qualify for the first exclusion) or the second 12 months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 48 months.
- d) The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission (unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed).

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14. Deferred periodic payments of SSI and Social Security (SS) benefits that are received in a lump sum payment;
15. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
16. Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
17. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.)

**The following is a list of benefits excluded by other Federal Statute:**

- The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [7 USC 2017 (h)];
- Payments to volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044 (g), 5088];

**Examples of programs under this Act include but are not limited to:**

- The Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
- National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;
- Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).
- Payments received under the Alaska Native Claims Settlement Act [43 USC.1626 (a)];
- Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes [25 USC. 459(e)];
- Payments or allowances made under the Department of Health and Human Services' Low-income Home Energy Assistance Program [42 USC 8624 (f)];
- Payments received under programs funded in whole or in part under the Job Training Partnership Act [29 USC 1552 (b)];
- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians [Pub. L. 94-540, 90 Stat 2503-04];
- The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC 1407-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior [25 USC 117b, 1407]; and
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC 1087].

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### **Examples of Title IV programs include but are not limited to:**

- Basic Educational Opportunity Grants (Pell Grants),
  - Supplemental Opportunity Grants,
  - State Student Incentive Grants,
  - College Work Study, and
  - Byrd Scholarships.
- Payments received from programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)]:

### **Examples of programs under this act include but are not limited to:**

- Senior Community Services Employment Program (CSEP),
  - National Caucus Center on the Black Aged,
  - National Urban League,
  - Association National Pro Personas Mayors,
  - National Council on Aging,
  - American Association of Retired Persons,
  - National Council on Senior Citizens, and
  - Green Thumb.
- Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the Agent Orange product liability litigation;
  - Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 94 Stat. 1785);
  - The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 [42 USC 9858(q)];
  - Earned income tax credit refund payments received on or after January 1, 1991 [26 USC 32 (j)].
    - Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
    - Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990;

### **C. Anticipating Annual Income:**

If it is not feasible to anticipate income for a 12-month period, the HA may use the annualized income anticipated for a shorter period, subject to an interim adjustment at the end of the shorter period. (This method would be used for teachers who are only paid for nine months, or for residents receiving unemployment compensation.)

### **D. Adjusted Income:**

Adjusted income (the income upon which rent is based) means annual income less the following deductions and exemptions:

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## 1. For All Families:

### a) Child Care Expenses:

A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed, BUT ONLY when such care is necessary to enable a family member to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be un-reimbursed expenses and shall not exceed: (a) the amount of income earned by the family member released to work; or (b) an amount determined to be reasonable by the HA when the expense is incurred to permit education or to seek employment.

### b) Dependent Deduction:

An exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, Live-in Aide, foster adult or foster child) who is under 18 years of age or who is 18 years of age or older and disabled, or a full-time student.

### c) Work related Disability Expenses:

A deduction of un-reimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

**NOTE:** Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually impaired, and equipment added to cars and vans to permit their use by the disabled family member. Also included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities.

1) For families without medical expenses: the amount of the deduction equals the cost of all un-reimbursed expenses for work related disability expense less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.

2) For elderly or disabled families with medical expenses: the amount of the deduction equals the cost of all un-reimbursed expenses for work related disability that do not exceed the employment income earned. If this amount is less than three percent of annual income, the remainder of the three percent will be taken from medical expenses. If disability expenses are greater than three percent of annual income, all un-reimbursed medical expenses as defined below will be deducted.

## 2. Elderly and Disabled Families Only:

### a) Medical Expense Deduction:

A deduction of un-reimbursed medical expenses, including insurance premiums, anticipated for the period for which annual income is computed. Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, health insurance premiums (including the cost of Medicare), prescription and non-prescription medicines,

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transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by the HA for determining a deduction from income, the expenses claimed must be verifiable.

- 1) For elderly or disabled families without work related disability expenses: The amount of the deduction shall equal total medical expenses less three percent of annual income.
  - 2) For elderly or disabled families with both work related disability expenses and medical expenses: the amount of the deduction is calculated as described above.
- b) Elderly/Disabled Household Exemption:  
An exemption of \$400 per household. (See appendix.)

**NOTE:** Optional Deductions/Exemptions: The HA may amend this policy and grant further deductions. Any such deduction will be noted here.

### **E. Computing Rent:**

#### **1. The TTP.**

The first step in computing rent is to determine each family's Total Tenant Payment (TTP). Then, if the family is occupying a unit that has resident paid utilities, the Utility Allowance is subtracted from the TTP. The result of this computation, if a positive number, is the tenant rent. If the TTP less the utility allowance is a negative number, the result is the utility reimbursement, which may be paid to the resident or, directly to the utility company by the HA.

#### **2. TTP is the highest of:**

- 30% of adjusted monthly income; or
- 10% of monthly income; but never less than the...
- \$50.00 minimum rent; and never more than the...
- Flat rent/ceiling rent, if chosen by the family.

**NOTE:** It is possible for public housing residents to qualify for a utility reimbursement despite the requirement of a minimum rent. For example, if a public housing family's TTP is the minimum rent of \$25 and the HA's utility allowance for the size and type unit the family has selected is \$60, the family would receive a utility reimbursement of \$35 (\$60 less \$25) for resident purchased utilities.

#### **3. Tenant Rent:**

Tenant rent is computed by subtracting the utility allowance for resident supplied utilities (if applicable) from the TTP. In developments where the HA pays all utility bills directly to the utility supplier, tenant rent equals TTP.

#### **4. Minimum Rent:**

The minimum rent shall be \$50.00 per month, but a hardship exemption shall be granted to residents who can document that they are unable to pay the \$50.00 because

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of a long-term hardship (over 90 days). Examples under which residents would qualify for the hardship exemption to the minimum rent would be limited to the following:

- The family has lost eligibility for or is applying for an eligibility determination for a Federal, State or local assistance program;
- The family would be evicted as result of the imposition of the minimum rent requirements;
- The income of the family has decreased because of changed circumstances, including loss of employment;
- A death in the family has occurred; or
- Other circumstances as determined by the HA

### **5. Rent Choice:**

At initial certification and at each subsequent annual reexamination the resident shall be offered a choice of paying either the income based rent or the flat rent applicable to the unit they will be occupying.

## **XVI. COMPLAINTS AND GRIEVANCE PROCEDURES**

Complaints and Grievance Procedures shall be processed in accordance with the HA approved Grievance Procedure. The grievance procedure is incorporated into this document by reference and is the guideline to be used for grievances and appeals. The grievance policy is only applicable to Public Housing residents of the HA. Applicants are only entitled to an informal hearing, NOT THE GRIEVANCE POLICY, upon proper request.

## **XVII. SECURITY DEPOSITS**

A security deposit shall be made pursuant to a schedule posted in the HA office. Security deposits may be refunded as provided in the Lease and in this procedure. Any balance of the security deposit shall be returned by mail to the former resident as defined in the lease and by state law. A detailed statement of all charges (rent, late fees, damages, etc.) made against the security deposit will be included and mailed within 60 days to the last known address of the resident. No security deposit shall be returned until keys to the unit have been returned to the HA. All security deposits for pets shall be made in accordance with the HA pet policy. There is no interest accrued or paid on any security deposit refunds, if any. A tenant has 90 days to deposit or cash check.

## **XVIII. PET RULE**

### **A. Pets:**

This HA has adopted a pet policy for use in all HA property. All Residents must comply with this pet policy. FAILURE TO COMPLY WITH THE PET POLICY WILL BE CONSIDERED A SERIOUS BREACH OF THE LEASE. Residents will comply with

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Section IV (P) of their dwelling lease that states, "Not to keep or allow dogs, cats, or any other animals or pets on the premises without prior written consent of Landlord."

### **B. Assistance Animals:**

The Pet Policy does not apply to assistance animals that are used to assist persons with disabilities. (See assistance animal policy).

**NOTE:** Nothing in this policy limits or impairs the rights of persons with disabilities.

## **XIX. DECONCENTRATION RULE**

### **A. Objective:**

The objective of the Deconcentration Rule for public housing units is to ensure that families are housed in a manner that will prevent a concentration of poverty families and/or a concentration of higher income families in any one development. The specific objective of the HA is to house no less than 40 percent of its public housing inventory with families that have income at or below 30% of the area median income by public housing development. Also the HA will take actions to insure that no individual development has a concentration of higher income families in one or more of the developments. The HA will track the status of family income, by development, on a monthly basis by utilizing income reports generated by the HA's computer system.

### **B. Exemptions:**

The following are exempt from this rule.

- Public housing development with fewer than 100 public housing units. A covered development is defined as any single development or contiguous developments that total over 100 units.
- Public housing developments, which house only elderly persons or persons with disabilities, or both.
- Public housing developments, which consist of only one general occupancy family public housing development.
- Public housing developments approved for demolition or conversion to resident based assistance.
- Mixed financing developments.

### **C. Actions:**

To accomplish the deconcentration goals, the HA will take the following actions:

1. At the beginning of each HA fiscal year, the HA will establish a goal for housing 40% of its new admissions with families whose incomes are at or below the area median income. The annual goal will be calculated by taking 40% of the total number of move-ins from the previous HA fiscal year.
2. To accomplish the goals of deconcentration:

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- a) Not less than 40% of the HA admissions on an annual basis shall be to families that have incomes at or below extremely low-income limit and
- b) The HA shall determine the average income of all families residing in all the HA's covered developments. The HA shall determine the average income of all families residing in each covered development. In determining average income for each development, this HA has adjusted its income analysis for unit size in accordance with procedures prescribed by HUD. The HA shall determine whether each of its covered developments falls above, within or below the established income range. The established income range is from 85 to 115 percent (inclusive) of the average family income, except that the upper limit (115 percent) shall never be less than the income at which a family would be defined an extremely low-income family.

**NOTE:** To calculate the extremely low-income figure: Find the average family size (HA wide) of the covered developments and extrapolate the amount from the HUD published extremely low-income limits. For example, if the average family size is 2.6, the two-person limit may be \$12,400 and the three-person limit may be \$13,950. Therefore, the figure will be \$12,400 plus 60% of the difference between the two figures, which is \$13,330. This figure will be recalculated upon receipt of new HUD determined income limits.

**NOTE:** Fair housing requirements. All admission and occupancy policies for public housing programs must comply with Fair Housing Act requirements and with regulations to affirmatively, further fair housing. The HA may not impose any specific income or racial quotas for any development or developments.

### XX. COMMUNITY SERVICE POLICY

#### A. Each non-exempt adult public housing resident must:

1. Contribute eight hours of community service;
2. Participate in a self-sufficiency program for eight hours in each month; or
3. Perform eight hours per month of combined activities as described in items one and two.

**NOTE:** Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service does not include political activities.

**NOTE:** For purposes of the community service requirement an adult is a person 18 years or older.

#### B. Exempt: An adult who:

1. Is 62 years of age or older
2. Qualifies with disabilities that prevent the individual's compliance. The individual must provide appropriate documentation to support the qualifying disability, which

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may include self-certification. In addition, any person who is the primary caretaker of such individual is exempt.

3. Is engaged in work activities as defined in section 407(d) of the Social Security Act.
4. Is participating at least eight hours a month in a welfare-to-work program.
5. Is a member of a family receiving assistance from and in compliance with a State program funded under Part A, Title IV of the Social Security Act? (To include a Food Stamp type program).
6. Currently working at least 20 hours per week.

### **C. Proof of Compliance:**

Each head of household must present to the HA office documentation that he/she and all other persons eighteen years of age or older living in the household, who are not exempt, have complied with this section. Documentation may include a letter from the agency on letterhead or other official document. Any such documentation shall be verifiable by the HA. Failure to comply with the Community Service Requirement and to provide appropriate verifiable documentation prior to the date required shall result in the lease not being renewed by the HA. Provided, however, that the HA may allow the family member who is not in compliance to complete the requirements within the following year as follows: The head of household and the person not in compliance shall sign an agreement stating that the deficiency will be cured within the next twelve months. The head of household annually at reexamination shall make proof of compliance with the agreement. Failure to comply with the agreement shall result in the lease being terminated for such non-compliance, unless the person(s) other than the head of household no longer resides in the unit and has been removed from the lease.

**NOTE: FAILURE TO COMPLY WITH THE COMMUNITY SERVICE REQUIREMENT AND TO PROVIDE APPROPRIATE VERIFIABLE DOCUMENTATION PRIOR TO THE DATE REQUIRED SHALL RESULT IN THE LEASE NOT BEING RENEWED BY THE HA.**

### **D. Changes in Exempt or Non-Exempt Status will be handled during an interim or annual reexamination.**

### **E. Eligible activities:**

#### **1. Community Service:**

- Work at a local public or non-profit institution, including but not limited to: school, Head start, other before or after school program, child care center, hospital, clinic, hospice, nursing home, recreation center, senior center, adult day care program, homeless shelter, feeding program, food bank (distributing either donated or commodity foods), or clothes closet (distributing donated clothing), etc.;
- Work with a non-profit organization that serves HA residents or their children, including but not limited to: Boy Scouts, Girl Scouts, Boys or Girls Club, 4-H Club, PAL, other children's recreation, mentoring, or education programs, Big Brothers

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or Big Sisters, Garden Center, Community clean-up programs, Beautification programs, etc.;

- Work with any program funded under the Older Americans Act, including but not limited to: Green Thumb, Service Corps of Retired Executives, Senior meals programs, Senior Center, Meals on Wheels, etc.;
- Work with any other public or non-profit youth or senior organizations;
- Work as an officer of a development or citywide resident organization;
- Work as a member of the Resident Advisory Committee;
- Work at the Authority to help improve physical conditions (for example as a floor, grounds or building captain);
- Work at the Authority to help with children's programs;
- Work at the Authority to help with senior programs;
- Helping neighborhood groups with special projects;
- Working through a resident organization to help other residents with problems, serving as an officer in a Resident Organization, serving on the Resident Advisory Board; and
- Caring for the children of other residents so they may volunteer.

**NOTE:** HA's should notify their insurance companies if residents will be serving at the HA

### **2. Eligible Self-sufficiency Activities:**

Eligible self-sufficiency activities in which residents may engage include, but are not limited to:

- Job readiness programs;
- Job training programs;
- Skills training programs;
- Higher education (Junior college or college);
- GED classes;
- Apprenticeships (formal or informal);
- Substance abuse or mental health counseling;
- English proficiency or literacy (reading) classes;
- English as a second language classes;
- Budgeting and credit counseling; and
- Carrying out any activity required by the Department of Public Assistance as part of welfare reform.

## **XXI. CLOSING OF FILES AND PURGING INACTIVE FILES**

This HA will purge inactive files, after they have been closed for a period of three years, with the exception of troubled cases, or in cases involving a household containing a minor with a reported elevated blood-lead level (EBL) the record is retained indefinitely.

During the term of tenancy and for three years thereafter the HA will keep the resident file. In addition, the HA must keep for at least three years the following records:

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- Records with racial, ethnic, gender and disability status data for applicants and residents.
- The application from each ineligible family and the notice that the applicant is ineligible.
- HUD required reports and other HUD required files.
- Lead based paint inspection reports as required.
- Unit inspection reports.
- Accounts and other records supporting the HA and financial statements.
- Other records which HUD may specify.

The HA shall retain all data for current residents for audit purposes. No information shall be removed which may affect an accurate audit.

### **XXII. PROGRAM MANAGEMENT PLAN**

(Organization Plan)

Reference the HA's adopted personnel policy for the organization plan of the HA.

### **XXIII. OCCUPANCY BY OVER INCOME FAMILIES IN CERTAIN PUBLIC HOUSING**

(Only Applies to HA's with less than 250 Units)

A HA that owns or operates fewer than 250 units, may rent a unit in a public housing development to an over income family, in accordance with its HA annual plan under the following circumstances.

- There are no eligible families on the waiting list; or
- There are no eligible families applying for assistance in that month.
- Before offering the unit to an over income family, the HA publicizes the availability of the unit for eligible families, including publishing a 30-day notice in one (1) newspaper of general circulation.
- The over income family rents the unit on a month-to-month basis for a rent charge that is not less than the cost to operate the unit.
- The over income family signs an agreement to vacate the unit when needed by an eligible family; and
- The HA gives the over income family notice to vacate the unit when the unit is needed for an eligible family, and this notice is given at least 30 days before the over income family is to vacate.

### **XXIV. COMPLIANCE WITH EQUAL OPPORTUNITY REQUIREMENTS FOR POSTING REQUIRED INFORMATION**

There shall be maintained in each HA office waiting room a bulletin board, which will contain the following posted materials:

- Statement of policies and procedures governing ACOP this policy also outlines the HA's Tenant Selection and Assignment Plan.

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- Open occupancy notice (applications being accepted and/or not accepted).
- Directory of housing communities including names, address of project offices, and number of units by bedroom size, number of units specifically designed for the elderly, handicapped, and office hours of all ha facilities.
- Income limits for admission.
- Utility allowances.
- Current schedule of routine maintenance charges/transfer charges.
- Dwelling lease.
- Grievance procedure and hearing officers.
- Fair housing poster.
- "Equal Opportunity in Employment" poster.
- Any current "tenant notices."
- Security deposit charges.

### **XXV. OTHER POLICIES**

Additional policies and charges are attached to the end of this document and are incorporated as if fully set out herein. These policies and charges may be changed from time to time, or amended, and such changes or amendments shall be substituted in this document to keep this policy current. All items substituted within this document shall be kept by the HA in a separate file for historical and research purposes.

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### XXVI. APPENDIX “A”

Accessible dwelling units	When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical disabilities. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40 [the Uniform Federal Accessibility Standards] is “accessible” within the meaning of this paragraph. When an individual dwelling unit in an existing facility is being modified for use by a specific individual, the unit will not be deemed accessible, even though it meets the standards that address the impairment of that individual, unless it also meets the UFAS standards.
Accessible Facility	Means all or any portion of a facility other than an individual dwelling unit used by individuals with physical disabilities. [24 CFR § 8.21]
Catastrophic Involuntary Displacement	Displacement that may be caused by fire, acts of nature.
Accessible Route	For persons with a mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility. [24 CFR § 8.3 & 40.3.5]
Adaptability	Ability to change certain elements in a dwelling unit to accommodate the needs of disabled and non-disabled persons; or ability to meet the needs of persons with different types & degrees of disability. [24 CFR 8.3 & 40.3.5]
Adjusted Family Income	Adjusted Family Income is the income on which total tenant payment is to be based and means the Total Annual Income less the following allowances: A deduction of \$480.00 for each member of the family (other than head of household or spouse) who is: <ul style="list-style-type: none"> <li>• Seventeen (17) years of age or younger or</li> <li>• Who is eighteen (18) years of age or older and a verified full-time student and/or</li> <li>• Is disabled or handicapped according to this Section.</li> <li>• A deduction of dollar amounts anticipated to be paid for the care of children (including foster children) less than thirteen (13) years of age where care is necessary to enable a family member to be gainfully employed or to further his/her education. The dollar amount must be verified and reflect reasonable charges and cannot exceed the amount of income from employment (if employed).</li> <li>• A deduction of \$400.00 for Elderly Family whose head, spouse or sole member is sixty-two (62) years of age or older and/or is handicapped or disabled according to this Section.</li> <li>• A deduction for any elderly family:</li> <li>• That has no Handicapped Assistance Expense, an allowance for medical expenses equal to the amount by which the medical expense shall exceed three (3%) percent of Total Annual Family Income.</li> </ul>

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	<ul style="list-style-type: none"> <li>• That has Handicapped Assistance Expenses greater than or equal to three (3%) percent of Total Annual Family Income, an Allowance for Handicapped Assistance computed in accordance with paragraph E of this Section, plus an allowance for medical expenses that is equal to the Family's medical expenses.</li> <li>• That has Handicapped Assistance Expenses that are less than three (3%) percent of Total Annual Family Income, an allowance for combined Handicapped Assistance expense and medical expense that is equal to the amount by which the sum of these expenses exceeds three (3%) percent of Total Annual Family Income. Expenses used to compute the deduction cannot be compensated for nor covered by insurance.</li> <li>• A deduction for any family that is not an elderly family but has a handicapped or Disabled member other than the head of household or spouse, Handicapped Assistance Expense in excess of three (3%) percent of Total Annual Family Income, but this allowance may not exceed the employment received by family members who are eighteen (18) years of age or older as a result of the Assistance to the Handicapped or Disabled person.</li> </ul>
Adult	An adult is a person who has reached his/her 19th birthday or 18 years of age and married (not common law), who has been relieved of the disability of non-age by the juvenile court, or who has been convicted of a crime as an adult under any Federal, State or tribal law. Only persons who are adults shall be eligible to enter into a lease agreement for occupancy.
Alteration	Any change in a facility or its permanent fixtures or equipment. It does not include: normal maintenance or repairs, re-roofing, interior decoration or changes to mechanical systems. [24 CFR 8.3 & 8.23 (b)]
Applicant	A person or a family that has applied for admission to housing.
Area of Operation	The jurisdiction of the HA as described in applicable State law and the HA's Articles of Incorporation.
Assets	Assets mean cash (including checking accounts), stocks, bonds, savings, equity in real property, or the cash value of life insurance policies. Assets do not include the value of personal property such as furniture, automobiles and household effects or the value of business assets. IMPORTANT: See the definition of Net Family Assets, for assets used to compute annual income. (See 24 CFR 5.603 for definition of Net Family Assets)
Auxiliary Aids	Means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities. [24 CFR 8.3]
Break-Ins	Break-ins mean bona fide attempts at burglary, which are reported to the police department and are subject to verification by written police reports furnished by the Tenant(s).
Care Attendant	A person that regularly visits the unit of a HA resident to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence (and if requested by HA must demonstrate separate residence) and do not live in the public housing unit. Care attendants have no rights of tenancy.
Ceiling Rents	Ceiling rents are the maximum rent under the selection of an income based rent. Effective October 1, 2002 the ceiling rent shall be adjusted to the amount of the flat rent.

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	Ceiling rents are the tenant rent and no utility allowances can be deducted from the ceiling rent amount.
Child	A member of the family, other than the family head or spouse, who is under 18 years of age.
Child Care Expenses	<p>Amounts anticipated to be paid by the Family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Family member to actively seek employment (which shall be documented by the family to the satisfaction of the HA), be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare, and, in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The reasonable amount of charges is determined by the HA, by conducting surveys of local child care providers.</p> <p><b>Note:</b> If the Total Annual Income less the above allowances result in a rent that is less than the established minimum rent, the resident rent will be established at the HA established minimum rent.</p>
Citizen	A citizen or national of the United States.
Co-head of Household	A household where two persons are held responsible and accountable for the family, and where each co-head contributes to the rent.
Community Service Requirement	Each non-exempt adult family member must perform eight (8) hours of qualifying community service per month.
Covered Person	For the purposes of screening and terminating tenancy for criminal activity, a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.
Dependent	A member of the household, other than head, spouse, sole member, foster child, or Live-in Aide, who is under 18 years of age, or 18 years of age or older and disabled, or a full-time student, and qualifies for a \$480 deduction when computing income based rent. [24 CFR 5.603] An unborn child shall not be considered a dependent.
Designated Family	Means the category of family for whom HA elects (subject to HUD approval) to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 Housing Act. (PL 96-120)
Designated housing (or designated project)	A project(s), or portion of a project(s) designated for elderly only or for disabled families only in accordance with PL 96-106.
Disabled Family	A family whose head including co-head, spouse or sole member is a person with disabilities. (Person with disabilities is defined later in this section.) The term includes two or more persons with disabilities living together, and one or more such persons living with one or more persons including live-in aides determined to be essential to the care and well-being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly. [24 CFR 5.403]
Disabled Person	(See Handicapped Person)

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Displaced Family	A person, or family, 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.
Displaced Person	A person displaced by government action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise recognized pursuant to Federal disaster relief laws. This definition is used for eligibility determinations only. It should not be confused with the former Federal preference for involuntary displacement. [(42 USC 1437a(b)(3)]
Divestiture Income	Imputed income from assets, including business assets, disposed of by applicant or resident in the last two years at less than fair market value. (See the definition of Net Family Assets [24 CFR 5.603] in this section.)
Drug	A controlled substance as defined in the Controlled Substances Act. [24 CFR 5.100]
Drug-related Criminal Activity	The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell distribute or use the drug. [24 CFR 5.100]
Elderly Family	A family whose head including co-head, spouse, or sole member is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. An elderly family may include elderly persons with disabilities and other family members who are not elderly. [24 CFR 5.403]
Elderly Person	A person who is at least 62 years of age. [42 USC 1437a(b)(3)]
Eviction	This may include not only official action taken by a court, but also the case when a tenancy has been terminated and the tenant moves out prior to a proceeding being filed with the court or during the pendency of a court proceeding.
Enterprise Income Verification - EIV	A computerized Social Security Number matching system utilized to obtain income information.
Evidence of Citizenship Or Eligible Immigration Status	The documents that must be submitted to evidence citizenship or eligible immigration status.
Extremely Low Income Family	A Family whose Annual Income does not exceed 30% of the higher of 30% of the Area Median Income or the Federal poverty level. Where the higher of 30% of the Area Median Income or the Federal poverty level exceeds the Very Low-Income (VLI) limit, the ELI limit is reduced to equal the VLI limit as published by HUD. This affects the targeting requirements of PIH (40% of new admissions).
Familial Status	A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same a single person. Therefore, a single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as a single persons and only entitled to a one bedroom units. Once the child is born and/or the custody is obtained, the family will qualify for a two-bedroom unit and authorized to transfer as outlined in the Transfer Section.
Family	Includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

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	<ul style="list-style-type: none"> <li>• A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person:             <ul style="list-style-type: none"> <li>○ A group of persons residing together, and such group includes, but is not limited to:</li> <li>○ A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family)</li> </ul> </li> <li>• An elderly family</li> <li>• A near-elderly family</li> <li>• A disabled family</li> <li>• A displaced family</li> <li>• And the remaining member of a tenant family</li> </ul> <p><b>Note:</b> By definition, a family must contain a competent adult of at least 19 years of age (or 18 years of age and married - not common law) to enter into a contract and capable of functioning as the head of the household. If an individual is 18 and qualifies under the definition of family by being married, the head of household and the spouse must be parties to the lease, if both are residing in the premises.</p> <p>The term family also includes the following terms defined in this Section:</p> <ul style="list-style-type: none"> <li>• Elderly family</li> <li>• Near elderly family</li> <li>• Disabled family</li> <li>• Displaced person</li> <li>• Single person</li> <li>• Remaining member of a tenant family,</li> <li>• A foster care arrangement, or a kinship care arrangement</li> </ul> <p>Other persons, including members temporarily absent (e.g. a child temporarily placed in foster care or a student temporarily away at college), may be considered a part of the applicant family's household if they are living or will live regularly with the family. [24 CFR § 5 and 960]</p> <p>Live-in Aides may also be considered part of the applicant family's household. However, live-in aides are not family members and have no rights of tenancy or continued occupancy.</p> <p>Foster Care Arrangements include situations in which the family is caring for a foster adult, child, or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency. For purposes of continued occupancy: the term family also includes the remaining member of a resident family with the capacity to execute a lease.</p>
Fifty Percent (50%) Of Income for Rent	Families that pay 50% or more of their family income for rent including utilities qualify for a preference, in selecting applicants for admission to public housing.
Flat Rent	80% of the applicable Fair Market Rent (FMR) or where a HUD waiver is approved the market value. No utility allowances can be deducted from the flat rent amount.

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	<p><b>Note:</b> For families who choose flat rents, the HA must conduct a reexamination of family composition and community service requirements (WHEN APPLICABLE) at least annually, and must conduct a reexamination of family income at least once every three (3) years.</p>
Foster Children	<p>With the prior written consent of the Landlord, a foster child may reside on the premises. The factors considered by the Landlord in determining whether or not consent is granted may include:</p> <ul style="list-style-type: none"> <li>• Whether the addition of a new occupant may require a transfer of the family to another unit, and whether such units are available.</li> <li>• The Landlord's obligation to make reasonable accommodation for handicapped persons.</li> </ul>
Full -Time Student	<p>A member of a family (other than the head of household or spouse) who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. Educational institution shall include but not be limited to: college, university, secondary school, vocational school or trade school [24 CFR 5.603]. The attended educational institution will supply verification.</p>
Guest	<p>A guest is a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of the lease apply to a guest as so defined.</p>
Handicapped Assistance Expense	<p>Reasonable expenses that are anticipated, during the period for which Total Annual Family Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled family member and that are necessary to enable a family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.</p>
Hazardous Duty Pay	<p>Pay to a family member in the Armed Forces away from home and exposed to hostile fire.</p>
Head of Household	<p>The adult member of the family (identified by the family) who is the head of the household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.</p>
Homeless Family	<p>Any individual or family who: Lacks a fixed, regular, and adequate nighttime residence; Has a primary nighttime residence that is:</p> <ul style="list-style-type: none"> <li>• A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing or housing for the mentally ill);</li> <li>• An institution that provides a temporary residence for individuals intended to be institutionalized; or</li> <li>• A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.</li> </ul> <p>A homeless family does not include:</p> <ul style="list-style-type: none"> <li>• Any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State Law; or</li> </ul>

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	<ul style="list-style-type: none"> <li>• Any individual who is a Single Room Occupant that is not considered substandard housing.</li> </ul>
Household	The family and a HA-approved Live-in Aide.
Income Exclusions	<p>Annual Income does not include such temporary, non-recurring or sporadic income as the following:</p> <ul style="list-style-type: none"> <li>• Income from employment of children (including foster children) under the age of eighteen (18).</li> <li>• Payment received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).</li> <li>• Kinship care payments when foster children are placed with relatives.</li> <li>• Lump sum additions to family assets, such as, inheritances, insurance payments, (including payments under health and accident insurance and workmen's compensation), capital gains, and settlements for personal or property losses (except payment in lieu of earnings).</li> <li>• Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.</li> <li>• Income of a live-in aide (as defined in this policy).</li> <li>• The full amount of student financial assistance paid directly to the student or to the educational institution.</li> <li>• The special pay to a family member serving in the armed forces who is exposed to hostile fire.</li> <li>• Amounts received under training programs funded by HUD.</li> <li>• Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-sufficiency (PASS).</li> <li>• Amounts received by a participant in other publicly assisted programs which is specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program.</li> <li>• Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the HA, on a part-time basis, that enhances the quality of life in public housing. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No Resident may receive more than one such stipend during the same period of time.</li> <li>• Incremental earnings and benefits resulting to any family member from participation in State or local employment training programs (including training programs not affiliated with a local government) in training of a family member as resident Management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.</li> </ul>

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	<ul style="list-style-type: none"><li>• Temporary, nonrecurring or sporadic income (including gifts).</li><li>• Reparation payments paid by a foreign government pursuant to claims under the laws of that government by persons who were persecuted during the Nazi era.</li><li>• Earning in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse).</li><li>• Adoption assistance payments in excess of \$480 per adopted child.</li><li>• Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.</li><li>• Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.</li><li>• Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the costs of services and equipment to help keep the developmentally disabled family member at home.</li><li>• The value of the allotment provided to an eligible household under the Food Stamp Act of 1977.</li><li>• Payments to volunteers in programs pursuant to the Domestic Volunteers Service Act of 1973.</li><li>• Payments received under the Alaska Native Claims Settlement Act.</li><li>• Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes.</li><li>• Payments or allowances made under the Department of Health and Human Services Low-income Home Energy Assistance Program.</li><li>• Payments received under programs funded in whole or in part under the Job Training Partnership Act. Effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Work Force Investment Act of 1998.</li><li>• Income derived from the disposition of funds to the Grand River band of Ottawa Indians.</li><li>• The first \$2,000.00 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interest of individual Indians in trust or restricted lands, including the first \$2,000.00 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands.</li><li>• Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under federal work study programs or under Bureau of Indian Affairs Student Assistance Programs.</li><li>• Payments received from Programs funded under Title V of the Older Americans Act of 1985.</li><li>• Payments received on or after January 1, 1989, from the agent orange settlement fund or any other fund established pursuant to the settlement “In Re: Agent Product Liability Litigation” M.D.L. No. 381 (EDNY).</li><li>• Payments received under the Maine Indian Claims Settlement Act of 1980.</li><li>• The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the “Child Care and Development Block Grant Act of 1990.”</li></ul>
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	<ul style="list-style-type: none"><li>• Earned Income Tax Credit (EITC) refund payments received on or after January 1, 1991.</li><li>• Payments by the Indian Claims Commission to the confederated tribes and bands of the Yakima Indian Nation or the Apache Tribe of Mescalero Reservation.</li><li>• Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990.</li><li>• Any allowance paid under the provisions of 38 USC 1805 to a child suffering from spina bifida who is the child of a Vietnam Veteran.</li><li>• Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the costs of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act.</li><li>• Allowances, earnings and payments to individuals participating in programs under the Work Force Investment Act of 1998.</li><li>• Relocation payments made pursuant to Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</li><li>• Twelve Month Exclusions (Self-sufficiency incentives):</li><li>• The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the U.S. Housing Act of 1937, and the Quality Housing and Work Responsibility Act of 1998 (referred to as the 1998 Act) or any comparable Federal, State, or local law during the exclusion period. For purposes of this paragraph, the following definitions apply:<ul style="list-style-type: none"><li>○ Comparable Federal, State or Local Law means a program providing employment training and supportive services that:<ul style="list-style-type: none"><li>▪ Are authorized by a federal, state or local law;</li><li>▪ Are funded by federal, state or local government;</li><li>▪ Are operated or administered by a public agency;</li><li>▪ Has as its objective to assist participants in acquiring job skills; and/or</li><li>▪ If applicable, is a participant in the HA Family Self-Sufficiency Program.</li></ul></li><li>○ Exclusion period means the period during which the resident participates in a program described in this section, plus 12 months from the date the resident begins the first job acquired by the resident after completion of such program that is not funded by public housing assistance under the U.S. Housing Act of 1937 and the 1998 Act. Amount previously being received, including TANF, will continue to be counted as annual income.</li><li>○ Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.</li></ul></li><li>• In addition to the training exclusion listed above, the 1998 Act excludes the income for 12 months of a family member who was previously unemployed for one or more years, which is defined as a minimum of 12 consecutive months. This includes a person who has earned income during the previous 12 months but the income was no more than 10 hours of work per week for</li></ul>
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	<p>50 weeks at or below the established minimum wage. The 1998 Act also excludes the income for 12 months for any resident who received assistance under the Temporary Assistance for Needy Families (TANF) program in the last six (6) months. The TANF funding received must be a minimum of \$500 over a six-month period. A representative from the TANF agency must verify that the resident is or was receiving TANF benefits within the last six months. The six-month period will start on the day the resident reports the income to the HA. Also, the 1998 Act excludes for 12 months the income resulting in the participation of a family member in the HA Family Self-Sufficiency Program, if applicable to the HA.</p> <ul style="list-style-type: none"><li>• Phase-in-of Rent Increases: Upon the expiration of the 12-month exclusion period as described in this section, the rent payable by a family may be increased due to continued employment of the resident but the increase will be limited to 50% of the increase in the total rent increase. The increase will be effective on the first day of the thirteenth month and expire on the twenty-fourth month. After the conclusion of the twenty-four-month period, the applicable rent calculated without exclusions, as described in this section, and in accordance with federal regulations will be due and payable on the first of the twenty-fifth month. Total income will include income counted in the previous twelve months plus 50% of the increase.</li><li>• Maximum four-year disallowance. The disallowance of increased income of an individual family member as provided above is limited to a lifetime 48-month period. It only applies for a maximum of 24 months as described above during the 48 period starting from the initial exclusion period.</li><li>• Inapplicability to admission. The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program.<ul style="list-style-type: none"><li>○ If a person is employed prior to admission they will not qualify for this income exclusion.</li><li>○ If a family member begins employment after admission they may be eligible for income exclusion.<ul style="list-style-type: none"><li>▪ Individual with Disabilities</li><li>▪ Section 504 definition [24 CFR 8.3]</li><li>▪ Section 504 definitions of Individual with Disabilities and Qualified Individual with Disabilities are not the definitions used to determine program eligibility. Instead, use the definition of person with disabilities as defined later in this section. Note: The Section 504, Fair Housing, and Americans with Disabilities Act (ADA) definitions are similar. ADA uses the term “individual with a disability”. Individual with disabilities means any person who has:<ul style="list-style-type: none"><li>• A physical, mental or emotional impairment that:<ul style="list-style-type: none"><li>○ Substantially limits one or more major life activities;</li><li>○ Has a record of such an impairment;</li><li>○ Or is regarded as having such impairment.</li></ul></li><li>• For purposes of housing programs, the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the</li></ul></li></ul></li></ul></li></ul>
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	<p>program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.</p> <ul style="list-style-type: none"><li>• <b>Definitional elements:</b><ul style="list-style-type: none"><li>○ <u>“Physical or mental impairment”</u> means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term <u>“physical or mental impairment”</u> includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.</li><li>○ <u>“Major life activities”</u> means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.</li><li>○ <u>“Has a record of such an impairment”</u> means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.</li><li>○ <u>“Is regarded as having an impairment”</u> means has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation; or Has a physical or mental impairment that substantially limits one or more major life activities only as result of the attitudes of others toward such impairment; or</li><li>○ Has none of the impairments defined in this section but is treated by a recipient as having such an impairment.</li></ul></li></ul>
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	<p><b>Note:</b> A person would be covered under the first item if HA refused to serve the person because of a perceived impairment and thus “treats” the person in accordance with this perception. The last two items cover persons who are denied the services or benefits of HA’s housing program because of myths, fears, and stereotypes associated with the disability or perceived disability.</p> <ul style="list-style-type: none"> <li>○ The 504 definition of disability does not include homosexuality, bisexuality, or transvestitism. Note: These characteristics do not disqualify an otherwise disabled applicant/resident from being covered. The 504 definition of individual with disabilities is a civil rights definition. To be considered for admission to public housing a person must meet the program definition of person with disabilities found in this section.</li> </ul>
<p>Individual with Disabilities, Section 504 Definition</p>	<p>Section 504 definitions of Individual with Disabilities and Qualified Individual with Disabilities are not the definitions used to determine program eligibility. Instead, use the definition of person with disabilities as defined later in this section. Note: The Section 504, Fair Housing, and Americans with Disabilities Act (ADA) definitions are similar. ADA uses the term “individual with a disability”. Individual with disabilities means any person who has:</p> <p>(a) A physical, mental or emotional impairment that:</p> <ul style="list-style-type: none"> <li>• substantially limits one or more major life activities;</li> <li>• has a record of such an impairment;</li> <li>• or is regarded as having such an impairment.</li> </ul> <p>(b) Note: For purposes of housing programs, the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.</p> <p>(c) Definitional elements: “physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or</p> <p>Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.</p> <p>“Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.</p>

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	<p>“Has a record of such an impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.</p> <p>“Is regarded as having an impairment” means has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation; or</p> <p>Has a physical or mental impairment that substantially limits one or more major life activities only as result of the attitudes of others toward such impairment; or</p> <p>Has none of the impairments defined in this section but is treated by a recipient as having such an impairment.</p> <p>NOTE: A person would be covered under the first item if PHA refused to serve the person because of a perceived impairment and thus “treats” the person in accordance with this perception. The last two items cover persons who are denied the services or benefits of PHA’s housing program because of myths, fears, and stereotypes associated with the disability or perceived disability.</p> <p>(d) The 504 definition of disability does not include homosexuality, bisexuality, or transvestitism.</p> <p>Note: These characteristics do not disqualify an otherwise disabled applicant/resident from being covered.</p> <p><b>The 504 definition of individual with disabilities is a civil rights definition. To be considered for admission to public housing a person must meet the program definition of person with disabilities found in this section.</b></p>
Infant	A child under the age of two years.
INS	The U. S. Immigration and Naturalization Service.
Interim Redetermination Of Rent	Changes of rent between admissions and reexaminations and the next succeeding reexamination.
Involuntary Displacement	Families that meet the definition of involuntary displaced qualify for a preference in the selecting applicants for admission to public housing.
Kinship Care	An arrangement in which a relative or non-relative becomes the primary caregiver for a child or children but is not the biological parent of the child or children. The primary caregiver need not have legal custody of such child or children to be a kinship caregiver under this definition.
Live-in Aide	<p>A person who resides with an elderly person(s), near elderly person(s) or person(s) with disabilities and who: (a) is determined by HA to be essential to the care and wellbeing of the person(s); (b) is not obligated to support the family member; and (c) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].</p> <p><b>Occasional, intermittent, multiple or rotating care givers do not meet the definition of a live-in aide since live-in-aides must reside with a family</b></p>

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	<p><b>permanently for the family unit size to be adjusted in accordance with the subsidy standards established by the PHA.</b></p> <p>HA policy on Live-in Aides stipulates that:</p> <p>(a) Before a Live-in Aide may be moved into a unit, a third-party verification must be supplied that establishes the need for such care and the fact that the live-in aide is qualified to provide such care;</p> <p>(b) Move in of a Live-in Aide must not result in overcrowding of the existing unit according to the maximum-number-of-persons-per-unit standard (although, a reasonable accommodation for a resident with a disability may be to move the family to a larger unit);</p> <p>(c) Live-in Aides have no right to the unit as a remaining member of a resident family;</p> <p>(d) Relatives who satisfy the definitions and stipulations above may qualify as Live-in Aides, but only if they sign a statement prior to moving in relinquishing all rights to the unit as the remaining member of a resident family;</p> <p>(e) A Live-in aide is a single person;</p> <p>(f) A Live-in Aide will be required to meet HA's screening requirements with respect to past behavior especially:</p> <p>A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors;</p> <p>Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the development; and</p> <p>A record of eviction from housing or termination from residential programs.</p>
Low-Income Household	A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller and larger families [42 USC 1437a(b0)]
Medical Expense	Those necessary medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. Medical expenses, in excess of three percent (3%) of Annual Income, are deductible from income by elderly families only [24 CFR 5.603].
Military Service	Military Service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and, since July 29, 1945, the commissioned corps of the United States Public Health Service.
Minimum Rent	The HA has the discretion to establish the minimum rent from \$0 up to \$50.
Minor	A "minor" is a person under nineteen years of age. Provided, that a married person 18 years of age or older shall be considered to be of the age of majority. (An unborn child may not be counted as a minor.) Some minors are permitted to execute contracts, provided a court declares them "emancipated".
Mixed Family	A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
Mixed Population Project	Means a public housing project for elderly and disabled families. The HA is not required to designate this type of project under the Extension Act. (PIH Notice 97-12)
Monthly Adjusted Income	One-twelfth of Adjusted Annual Income.

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Monthly Income	One twelfth of Annual Income. For purpose of determining priorities based on an applicant's rent as a percentage of family income, family income is the same as monthly income.
Multifamily Housing Project	For purposes of Section 504, means a project containing five or more dwelling units. [24 CFR 8.3]
National	A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.
Near-elderly Family	Means a family whose head, spouse, or sole member is a near-elderly person (at least 50 but less than 62 years of age), who may be a person with a disability. The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well-being of the near-elderly person or persons. A near-elderly family may include other family members who are not near-elderly. [24 CFR 5.403]
Near-elderly Person	Means a person who is at least 50 years of age but below 62, who may be a person with a disability [42 USC 1437a(b)(3)]
Net Family Assets	<p>The net cash value, after deducting reasonable costs that would be incurred in disposing of: [24 CFR 5.603]</p> <p>(a) Real property (land, houses, mobile homes)</p> <p>(b) Savings (CDs, IRA or KEOGH accounts, checking and savings accounts, precious metals)</p> <p>(c) Cash value of whole life insurance policies</p> <p>(d) Stocks and bonds (mutual funds, corporate bonds, savings bonds)</p> <p>(e) Other forms of capital investments (business equipment)</p> <p>Net cash value is determined by subtracting the reasonable costs likely to be incurred in selling or disposing of an asset from the market value of the asset. Examples of such costs are: brokerage or legal fees, settlement costs for real property, or penalties for withdrawing saving funds before maturity. Net Family assets also include the amount in excess of any consideration received for assets disposed of by an applicant or resident for less than fair market value during the two years preceding the date of the initial certification or reexamination. This does not apply to assets transferred as the result of a foreclosure or bankruptcy sale. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be less than fair market value if the applicant or resident receives important considerations not measurable in dollar terms [24 CFR 5.603(b)(3)].</p>
Non-citizen	A person who is neither a citizen nor national of the United States.
Other Person Under the Tenant's Control	The person although not staying as a guest in the unit is or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control (e.g. the Pizza Delivery person)
Person with Disabilities [42 USC 1437a(b)(3)]	<p>Means a person who:</p> <p>(a) Has a disability as defined in Section 223 of the Social Security Act (42 USC 423); or,</p> <p>(b) Has a physical, mental or emotional impairment that:</p> <p>Is expected to be of long continued and indefinite duration;</p>

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	<p>Substantially impedes his/her ability to live independently; and,                      Is of such nature that such disability could be improved by more suitable housing conditions; or,                      (c) Has a developmental disability as defined in Section 102 (5) (b) of the Developmental Disabilities Assistance and Bill of Rights Act [42 USC 6001 (5)].</p> <p>Note: A person with disabilities may be a child.                      Note: This is the program definition for public housing. The 504 definition does not supersede this definition for eligibility or admission.</p>
Portion of Project	Includes, one or more buildings in a multi-building project; one or more floors of a project or projects; a certain number of dwelling units in a project or projects. [24 CFR 945.105]
Premises	The building or complex or development in which the public housing dwelling is located, including common areas and grounds.
Project, Section 504	<p>Means the whole of one or more residential structures &amp; appurtenant structures, equipment, roads, walks, &amp; parking lots that are covered by a single contract for Federal financial assistance or application for assistance, or are treated as a whole for processing purposes, whether or not located on a common site. [24 CFR 8.3]</p> <p>NOTE: this is the program definition for public housing. The 504 definition does not supersede this definition for eligibility or admission. [24 CFR 8.4 (c) (2)]</p>
Public Housing Agency (HA)	Any State, County, Municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development of operation of housing for lower income families.
Qualified Individual with Disabilities, Section 504	<p>Means an individual with disabilities who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the HA can demonstrate would result in a fundamental alteration in its nature.</p> <p>Essential eligibility requirements include: stated eligibility requirements such as income as well as other explicit or implicit requirements inherent in the nature of the program or activity, such as requirements that an occupant of multifamily housing be capable of meeting the recipient's selection criteria and be capable of complying with all obligations of occupancy with or without supportive services provided by persons other than the HA</p>
Reexamination	Reexamination is sometimes called reexamination. The process of securing documentation which indicates that tenants meet the eligibility requirements for continued occupancy.
Re-Examination Date	The date on which any rent change is effective or would be effective if required as a result of the annual re-examination of eligibility and rent. The re-examination date(s) is the anniversary date (month) of the lease.
Remaining Member Of The Resident Family	The person(s) of legal age remaining in the public housing unit after the person(s) who signed the lease has (have) left the premises, other than by eviction, which may or may not normally qualify for assistance on their own circumstances. An individual must occupy the public housing unit to which he claims head of household status for one year before becoming eligible for subsidized housing as a remaining family member. This person must complete forms necessary for housing within ten days from the departure of the

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	<p>leaseholder and may remain in the unit for a reasonable time pending the verification and grievance process. This person must, upon satisfactory completion of the verification process, then execute a new lease and cure any monetary obligations in order to remain in the unit. Any person who claims him or herself as a remaining member shall, in the event that the HA declares him or her ineligible for remaining member status, be entitled to the grievance process upon notice to him or her that he or she is not considered to be a remaining member of the household. The person requesting remaining member status must request this grievance process in writing within ten days from the date of the departure of the head of household. In the interim time between the time of the request for the grievance process and the decision by the hearing officer, all rent which was due pursuant to the lease, shall be deposited into an escrow account with the HA under the same provisions as those relating to tenants requesting a grievance hearing relating to rent under the grievance process. The HA does not recognize the person as a tenant by giving him or her opportunity for a grievance hearing. A remaining member shall not be considered to be a tenant until such time as a new lease is executed by the HA and the person granted tenant status after the verification status.</p>
Single Person	A person who lives alone, or intends to live alone, and who does not qualify as an elderly family, or a displaced person, or as the remaining member of a Tenant family.
Spouse	Either member of a married pair in relation to the other.
Standard Permanent Replacement Housing	<p>Is housing:            That is decent, safe, and sanitary;            That is adequate for the family size; and            That the family is occupying pursuant to a lease or occupancy agreement.</p> <p><b>Note:</b>            Such housing does not include transient facilities, such as motels, hotels, or temporary shelters for victims of domestic violence or homeless families, and in the case of domestic violence, does not include the housing unit in which the applicant and the applicant's spouse or other member of the household who engages in such violence live.            A "homeless family" does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.</p>
Single Room Occupancy	(SRO) Housing (as defined in 882.102 of the CFR) is not substandard solely because it does not contain sanitary or food preparation facilities (or both).
Substandard Housing	<p>A unit is substandard if it:            Is dilapidated;            Does not have operable indoor plumbing;            Does not have a usable flush toilet inside the unit for the exclusive use of a family;            Does not have a usable bathtub or shower inside the unit for the exclusive use of a family;            Does not have electricity, or has inadequate or unsafe electrical service;            Does not have a safe or adequate source of heat;            Should, but does not, have a kitchen; or            Has been declared unfit for habitation by an agency or unit of government.</p> <p>A housing unit is dilapidated if it does not provide safe and adequate shelter, and in its present condition endangers the health, safety, or well-being of a</p>

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	<p>family, or it has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. The defects may involve original construction, or they may result from continued neglect or lack of repair or from serious damage to the structure.</p> <p>An applicant who is a "homeless family" is living in substandard housing. For purposes of the preceding sentence, a "homeless family" includes any individual or family who:</p> <p>Lacks a fixed, regular, and adequate nighttime residence; and</p> <p>Has a primary nighttime residence that is:</p> <p>(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing programs);</p> <p>(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or</p> <p>(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.</p>
Temporarily Absent Family Members	Any person(s) on the lease that is not living in the household for a period of more than thirty-days (30) is considered temporarily absent. Absences of more than six months are not generally considered to be "temporary" and must be approved by the HA.
Tenant Rent	<p>The amount payable monthly by the Family as rent to the HA. Where all utilities (gas, water and electricity) are supplied by the HA, Tenant Rent equals Total Tenant Payment or minimum rent. Where some or all utilities (gas, water and electricity) are not supplied by the HA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment or minimum rent less the utility allowance. Telephone and cable television service is not a utility.</p> <p>Ceiling rent: (see definition hereinabove)</p> <p>Flat rent: (see definition hereinabove)</p> <p><b>Note:</b></p> <p>Utility allowances are not calculated or deducted from the flat rent. [24 CFR 5.603].</p>
<p>Total Annual Family Income</p> <p><b>NOTE: Definition reverted back to old definition based on final rule published December 29, 2009.</b></p>	<p>Annual income means all amounts, monetary or not, which: (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and (3) Which are not specifically excluded in paragraph (c) of this section. (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.</p> <p>Total Annual Family Income includes, but is not limited to, the following:</p> <p>The full amount, before any payroll deduction, of wages and salaries, and overtime pay, including compensation for personal services (such as commissions, fees, tips and bonuses);</p> <p>Net income from the operation of a business or profession. (Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining Net Income.) An allowance for depreciation of</p>

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assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or other assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

Interest, dividends and other net income of any kind from real or personal property. (For this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property). All allowance for depreciation is permitted only as authorized in Paragraph B of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has Net Family Assets in excess of \$5,000.00, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefit and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment; (Excluding Lump Sum Supplemental Security Income (SSI) and Lump Sum Social Security Benefits (SS))

Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and severance pay, but see Paragraph 55-C in this section.

Welfare assistance. (i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments: (A) qualify as assistance under the TANF program definition at 45 CFR 260.31; and (B) are not otherwise excluded under definition of income exclusions in this section. (ii) if the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of: (A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus (B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling. If the payments actually received are different than the determined amount, rent can be adjusted in accordance with Section III D of the dwelling lease.

All regular pay, special pay and allowances of a member of the Armed Forces (except special pay for exposure to hostile fire).

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

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	<p>Tenants that receive lump-sum payments that are included as income and fall in the categories listed above, (Excluding Lump Sum Supplemental Security Income (SSI) and Lump Sum Social Security Benefits (SS)), must report the income to the Housing Manager as soon as possible but no later than ten (10) calendar days after receipt of the funds and the applicable portion of the payment that is due as back rent is due fourteen (14) days after the HA notifies the family of the amount due.</p> <p><b>Unreported Income:</b> If a tenant fails to report income the tenancy will be terminated under the terms of the HA's lease. If the act is determined by the HA to be intentional, the tenant will be obligated to pay the applicable portion of the rent for any and all unreported income. If the unreported income was an unintentional by the tenant the tenant will be billed for the amount due the HA and the amount will be payable within fourteen (14) days. If the payment cannot be made in one payment, the tenant may request the HA to approve a repayment schedule. Any repayment agreement must be in writing and signed by the Tenant and a HA representative. The HA has the sole discretion as to whether or not to enter into a repayment agreement and shall consider circumstances such as fraud and/or mistake in making the decision.</p>
<p>Total Tenant Payment (TTP)</p>	<p>The TTP, or income-based rent, is calculated using the following formula:</p> <p>A. For the Public Housing Program, the TTP must be the greater of:</p> <ol style="list-style-type: none"> <li>(1) 30 percent of family monthly adjusted income (see note);</li> <li>(2) 10 percent of family monthly income; or</li> <li>(3) Which is the minimum rent set by the HA</li> </ol> <p>B. If the Resident pays any of the utilities directly to the utility supplier, the amount of the Utility Allowance is deducted from the TTP. [24 CFR 5.613] See the definition for Tenant Rent. It is possible for Public Housing tenants to qualify for a utility reimbursement despite the requirement of a minimum rent. For example, if a Public Housing family's TTP is the minimum rent of \$25 and the HA's utility allowance for the size and type unit the family has selected is \$60, the family would receive a utility reimbursement of \$35 (\$60 less \$25) for tenant purchased utilities.</p> <p><b>Note:</b> The income based tenant rent may not exceed the ceiling rent/flat rent. The resident may elect the flat rent as may be appropriate in lieu of the rent calculated in paragraph "A" above. Effective October 1, 2002 the ceiling rent shall be adjusted to the amount of the flat rent.</p>
<p>Uniform Federal Accessibility Standards</p>	<p>Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically disabled persons will have ready access to and use of such structures. The standards are set forth in Appendix A to 24 CFR Part 40. See cross reference to UFAS in 504 regulations, 24 CFR 8.32 (a).</p>
<p>Utilities</p>	<p>Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection, and sewerage services. Telephone service is not included as a utility [24 CFR 990.102].</p>
<p>Utility Allowance</p>	<p>If the cost of utilities (except telephone and air conditioning added after initial construction) and other housing services for an assisted unit is not included in the Tenant rent, but is the responsibility of the family occupying the unit, then</p>

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	the utility allowance is an amount equal to the estimate made or approved by the HA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment. If the family pays directly for one or more utilities or services, the amount of the allowance is deducted from the gross rent in determining the contract rent and is included in the gross family contribution.
Utility Reimbursement Payment	Utility Reimbursement Payment is the amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit. At the discretion of the HA, the check may be made payable jointly to the resident and utility provider or directly to the utility provider. Tenants who choose to pay flat rents do not receive a utility reimbursement, since the value of the flat rent takes into account any utilities paid by the tenant.
Very Low-Income Family	A lower Income Family means a family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes [42 USC 1437a(b)].
Violent Criminal Activity	Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause serious bodily injury or property damage.
Wage Earner	A person in a gainful activity who receives any wages. Said wages or pay covers all types of employee compensation including salaries, vacation allowances, tips, bonuses, commissions and unemployment compensation. The terms "Wage Earner" and "Worker" are used interchangeably.
Welfare Assistance	Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.
Gender Identity	Actual or perceived gender-related characteristics.
Sexual Orientation	Homosexuality, heterosexuality, or bisexuality.