HOUSING AUTHORITY OF PADUCAH

Paducah, Kentucky

Admissions and Continued Occupancy Policy

Adopted by PHA Board of Commissioners

Resolution No.: 935-26

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Authorized Use by the Housing Authority of Paducah

Admissions and Continued Occupancy Policy

Implementation Schedule

Staff Training Date, if needed: _____

Distribution to Functional Areas

This policy has been distributed to staff in the following departments:

- ☐ **Public Housing Managers**
- ☐ **Admissions/Occupancy Staff**
- ☐ **Financial Staff**
- ☐ **Maintenance Staff**
- ☐ **Other Specify:_____**

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Introduction and Statement of Local Objectives

The overall objective of the Housing Authority of Paducah, hereinafter referred to as (PHA) is to provide housing for low-income families that is decent, safe, sanitary, and in good repair, on a continuing basis. The PHA's residents play an important role in the PHA's ability to accomplish this mission. Selection and approval of housing residents and their continued occupancy of units affects rental income, maintenance of dwelling units, safety and security of residents and PHA employees, and the impressions or perceptions that the PHA makes on the general public.

Consequently, it is essential that an authority have written policies and procedures that provide for adequate screening of applicants and for continued occupancy of dwelling units by residents. This policy is also in compliance with the Rental Housing Improved Integrity Program (RHIIP) as set forth by the Department of Housing and Urban Development (HUD).

This document contains the PHA's policies pertaining to the admissions and continued occupancy of public housing residents. It is organized basically in the order of concerns that responsible PHA staff members encounter in selecting and reexamining residents. These policies include requirements in the Housing Act of 1937, as amended, Title VI of the Civil Rights Act of 1964 and other civil rights requirements, HUD regulations, the Annual Contributions Contract, and state and local laws.

PHA staff members in the housing management area are primarily responsible for implementing the policies contained in the following sections of this document.

Local Objectives

In addition to the general statement above, the Admission and Continued Occupancy Policy (hereinafter referred to as the ACOP) is designed to achieve the following objectives:

- To provide improved living conditions for very low-income families while maintaining their rent payments at an affordable level;
- To operate a socially and fiscally sound public housing agency that provides drug-free, decent, safe and sanitary housing with a suitable living environment for residents and their families;
- To avoid concentrations of economically and socially deprived families in any one or all of the PHA's public housing developments;
- To lawfully deny the admission of applicants, or the continued occupancy of residents whose habits and practices reasonably may be expected to adversely affect the health, safety, comfort or welfare of other residents, or, the physical environment of the neighborhood, or, create a danger to PHA employees.

Smoke -Free Living Environment

The PHA is dedicated to protecting the health and safety of its residents. In recognition that direct exposure to smoke or involuntary exposure to secondhand smoke can cause respiratory illness, heart disease, asthma, cancer and/or other adverse health effects and to reduce the risk of fires and maintenance cost, the PHA has implemented and adopted the Smoke-Free in Public Housing Policy.

The PHA prohibits the use of prohibited tobacco products site wide (entire grounds and property). Prohibited tobacco products are defined as items that involve the ignition and burning of tobacco

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leaves, such as (but not limited to) cigarettes, cigars, pipes, vapes/e-cigarettes, marijuana, and waterpipes (hookahs).

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CHAPTER 1. Nondiscrimination and Privacy Requirements

In making decisions concerning admissions and occupancy of dwelling units, the PHA must comply with requirements against discrimination contained in Civil Rights legislation enacted in the 1960's and subsequently legislation concerning the disabled, familial status and the aged. The following outlines the PHA's general policy concerning the requirements and specific actions to be taken in the admission and occupancy process.

A. General Policy

1. The Housing Authority of Paducah, Paducah, Kentucky will not discriminate against any person or family because of race, color, creed, age, sex, religion, disability, national origin, actual or perceived sexual orientation or gender identity, marital status or familial status in any phase of the occupancy process. The occupancy process includes, but is not limited to, application processing, leasing, transfers, delivery of management and maintenance services, access to common facilities, treatment of residents, and termination of tenancy.
2. The PHA shall not deny admission to an applicant or participant who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant otherwise qualifies for admission or assistance.
3. There will be no intimidation or retaliatory actions by the PHA or its staff against any applicant or resident because of participation in civil rights activities, or for having asserted any civil rights under statute, regulations, or requirements pursuant thereto.
4. The race, color, or national origin of the residents of the dwelling units or of the staff will not be a factor in the assignment of managers and other staffs responsible for the administration of the public housing program.
5. The PHA will abide by the nondiscrimination requirements of 24 CFR 960.203:
   a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d), which prohibits discrimination based on race, color, or national origin in programs receiving Federal financial assistance. (24 CFR part 1)
   b) The Fair Housing Act of 1988 (42 U.S.C. 3601-3619), also prohibits discrimination in housing practices based on disability in residential real estate related transactions. (24 CFR parts 100, 108, 109, 110)
   c) Executive Order 11-63 on Equal Opportunity Housing. (24 CFR part 107)
   d) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination based on disability in programs receiving Federal financial assistance. (24 CFR part 8)
   e) The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107), which prohibits discrimination based on age in programs receiving Federal financial assistance (24 CFR part 146)
   f) Title II of the Americans with Disabilities Act. (42 U.S.C. 12101-12213)
   g) Executive Order 131666 requiring agencies and grantees to take affirmative steps to communicate with people who need services or information in a language other than English. (Improving Access to Services for Persons with Limited English Proficiency [LEP]
   h) Obligation to Affirmatively Further Fair Housing (24 CFR §903.7(o)

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B. Specific Actions

1. The PHA will not, on the grounds of race, color, creed, sex, religion, age disability, national origin, actual or perceived sexual orientation or gender identity, marital status or familial status:
   a) Deny a person or family admission to housing;
   b) Provide housing which is different than that provided to others, except for elderly and/or disabled where accessibility features may be required;
   c) Subject a person to segregation or separate treatment;
   d) Restrict a person's access to any benefit enjoyed by others in connection with housing programs;
   e) Treat a person differently in determining eligibility or other requirements for admission;
   f) Deny any person access to the same level of services provided to others;
   g) Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the housing programs.
2. It will not intimidate, threaten or take any retaliatory action against any applicant or resident because of a person's participation in civil rights activities or assertions of civil rights.
3. It will not deny physically disabled persons an opportunity to apply for housing due to inaccessible application offices. Accessibility to the main office is available.
4. It will not assign employees in a way that would result in discrimination against applicants or residents.
5. It will make sure that all employees of the PHA, especially those who are involved in the admissions process, are familiar with discrimination and nondiscrimination requirements.
6. It will prominently display a fair housing poster at:
   a) Each office where applications are taken; and
   b) Each management office, except single-family dwellings.
7. It will maintain information on the race, ethnicity (Hispanic or non-Hispanic), sex and age of the head of the household of all applicants and residents.
8. It will not discriminate in the rental of, or otherwise make unavailable or deny, a dwelling to any renter because of a disability of:
   a) That renter;
   b) A person residing in or intending to reside in that dwelling after it is rented, or made available; or
   c) Any person associated with that person.
9. It will not discriminate against any person in the terms, conditions or privileges of the rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
   a) That renter; a person residing in or intending to reside in that dwelling after it is rented, or made available; or
   b) Any person associated with that person.

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10. It will not make inquiry to determine whether an applicant for a dwelling, a person intending to reside in that dwelling after it is rented or made available, or any person associated with that person, has a disability, or make an inquiry as to the nature of severity of a disability of such a person. Furthermore, the PHA will not inquire whether an applicant or resident is "capable of living independently". However, this paragraph does not prohibit the PHA from making the following inquiries, provided that these inquiries are made of all applicants, whether or not they have disabilities.
    a) Inquiry into an applicant's ability to meet the requirements of tenancy;
    b) Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or persons with a particular type of disability;
    c) Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with particular type of disability should such priority be a part of the PHA's policy;
    d) Inquiry to determine whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance, except that such persons who claim eligibility as disabled due to drug or alcohol abuse alone are not eligible for housing; or
    e) Inquiry to determine whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance, or of any violent crime.
11. The PHA will not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others. *Chapter 7. Applicant Screening and Denial of Admission*, of this policy, will describe in detail how such individuals will be identified prior to occupancy.
12. The PHA reviews its policies and procedures, at least annually, to assure compliance with all civil rights requirements.

C. Service Policy/Reasonable Accommodations

The PHA's policies and practices are designed to provide assurances that all persons with disabilities will be provided reasonable accommodations so that they may fully access and utilize the housing programs and related services.

1. The PHA will identify and eliminate situations and/or procedures that create barriers to equal housing opportunity for all. In accordance with Section 504, and the Fair Housing Amendments Act of 1988, the PHA will make structural modifications to its housing and non-housing facilities and make reasonable accommodations or combinations of structural modifications and reasonable accommodations, provided that the modifications can be accomplished without undue financial and/or administrative burden. If providing a requested modification results in a fundamental alteration in the nature of the program or an undue financial/administrative burden, the PHA need not provide that accommodation. However, the PHA is required to provide any other accommodation that would not result in undue financial and/or administrative burden or fundamental alteration of the program.
2. Requests for reasonable accommodation from persons with disabilities or by someone acting on their behalf, may be presented to an employee of the PHA at any time. The request may be written, verbal, or presented in another understandable manner. The employee receiving the request will deliver the request to the occupancy staff person assigned to the applicant/resident or other designated staff who are authorized to process that request and seek verification of the need for the accommodation. The accommodation

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will be granted upon receipt of third-party verification that the accommodation meets the need presented by the disability and does not result in substantial alteration of the program or create an undue financial or administrative burden on the PHA. Should the request be denied, an applicant may request an informal meeting to appeal the decision and a resident may request a hearing under the PHA's Grievance Procedures.

3. Reasonable accommodations will be made for persons with a disability who require an advocate, accessible offices, or alternative locations for making application, including their home or a service agency. A designee will be allowed to provide some information, but only with the permission of the person with the disability.
4. All PHA mailings will be made available in an accessible format upon request as a reasonable accommodation.
5. The PHA may obtain information that is necessary to evaluate if the requested reasonable accommodation may be necessary because of a disability.
6. If a person's disability is obvious, or otherwise known to the PHA, and the need for the requested accommodation is also readily apparent or known, then the PHA may not request any other additional information about the requester's disability or the disability-related need for the accommodation.
7. If a person's disability is not obvious, or otherwise known to the PHA, the PHA may request reliable disability-related information that (1) is necessary to verify that the person meets the Act's definition of disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities, (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation.
   a) A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third-party who is in a position to know about the individual's disability may also provide verification of a disability. In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry.
   b) Once the PHA has established that a person meets the Act's definition of disability, the PHA request for documentation should seek only the information that is necessary to evaluate if the reasonable accommodation is needed because of a disability. Such information must be kept confidential and must not be shared with other persons unless they need the information to make or assess a decision to grant or deny a reasonable accommodation request or unless disclosure is required by law (e.g. a court-issued subpoena requiring disclosure). (Department of Justice and HUD joint statement, May 17, 2004).
8. The PHA will make a reasonable effort to provide accessibility to an individual with a long-term but temporary disability that limits their mobility or other major life activities. In such cases, their lease will specify that they will be required to relocate to another unit when the need for the accessibility features is no longer required. The temporary nature of the disability and the approximate length of time of the disability will be verified through a qualified health or services professional.
9. The PHA will not permit these policies to be subverted to do personal or political favors. The PHA 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.

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10. The PHA will also provide reasonable accommodation in order to ensure equal access to the programs during the admissions phase. These accommodations may include but are not limited to:
    a) Mail application to the applicant
    b) Accept applications on behalf of disabled applicants from social service agencies which serve the disabled
    c) Online applications
    d) Assist applicant in completing application
    e) Accept application by fax or mail

D. Translation of Documents

In determining whether it is feasible to translate documents into other languages or Braille for the blind, the PHA will consider the following factors:

1. The number of applicants and residents who do not speak English and speak another language or need Braille for adequate understanding.
2. The cost per client of translating the documents into another language or into Braille.
3. The availability of translation and/or interpreter services in the PHA's jurisdiction.
4. Documents intended for use by applicants and residents will be made available in formats accessible to those with vision or hearing impairments. Equally important, the documents will be simply and clearly written to enable applicants with learning or cognitive disabilities to understand as much as possible. It is also understood that many of the public housing related concepts may need to be explained more than once to applicants/residents. Sign language interpreters may be provided for hearing-impaired applicants/residents if requested as a reasonable accommodation. For applicants/residents the intake/occupancy staff will read and explain orally anything they would normally hand to an applicant/resident to be read or filled out. Staff will assist in completing forms and other required documents for persons unable to write.
5. At a minimum, the PHA will prepare the following information in a clearly written accessible format:
    a) Marketing and informational material;
    b) Application process information;
    c) The application;
    d) All form letters and notices to the applicant/resident;
    e) The PHA's general policy regarding reasonable accommodation;
    f) New resident orientation materials;
    g) The lease and any applicable house rules;
    h) Guidance/instructions on care of the housing unit;
    i) Information on opening, closing and updating the waiting list;
    j) All information related to applicant/resident rights (informal/formal hearings grievance procedures, etc.).

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E. Privacy Policy

It is the PHA's policy to guard the privacy of individual applicants and residents in accordance with the Privacy Act of 1974, and to ensure the protection of those individuals' records maintained by the PHA. The PHA does not allow the disclosure of any personal abuse/treatment or criminal background contained in any of their records to any person or agency without express written consent of the affected individual, or as required by law or regulation. However, this privacy policy in no way limits the PHA's right or ability to determine the applicant's suitability for tenancy or evaluate the resident's suitability for continued occupancy.

F. Violence Against Women Reauthorization Act of 2013 (VAWA)

VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.

The PHA shall provide each applicant and resident assisted under public housing of the U.S. Housing Act of 1937 the Notice of Occupancy Rights and certification form.

1. The Notice of Occupancy Rights explains the VAWA protections including the rights to confidentiality and any VAWA protection limitations.
2. The certification form is to be completed by the victim to document an incident of a VAWA crime, that:
   a) States that the applicant or resident is a victim of domestic violence, dating violence, sexual assault, or stalking
   b) States that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection, meets the applicable definition for such incident; and
   c) Includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide.
3. The PHA shall provide the Notice of Occupancy Rights and the certification form to the applicant or resident no later than at each of the following times:
   a) At the time the applicant is denied assistance or admission;
   b) At the time the individual is provided assistance or admission;
   c) With any notification of eviction or notification of termination of assistance; and
   d) During the 12-month period following December 16, 2016, either during the annual reexamination or lease renewal process. If there will be no reexamination or lease renewal for the resident during the first year after the rule takes effect, the PHA shall provide the Notice of Occupancy Rights and the certification form through other means.
4. The PHA shall retain in strictest confidence all information pursuant to VAWA including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking.
5. The PHA shall not allow any individual administering assistance on behalf of the PHA, in the employ of the PHA, or any persons within the PHA's employ (e.g., contractors) to have access to VAWA confidential information unless explicitly authorized by the PHA that specifically call for these individuals to have access to the information under applicable

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Federal, State, or local law.

6. The PHA shall not enter the VAWA confidential information into any shared database or disclose the information to any other entity or individual, except to the extent that the disclosure is:
   a) Requested or consented to in writing by the individual in a time-limited release;
   b) Required for use in an eviction proceeding or hearing regarding termination of assistance; or
   c) Otherwise required by applicable law.

In accordance with Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency), the PHA shall make available The Notice of Occupancy Rights and the certification form in multiple languages.

G. Code of Conduct

In accordance with the Annual Contributions Contract, Section 19, Conflict of Interest, the PHA has established a written code of conduct for conducting business in accordance with core values and ethical standards. (See also PHA's Conduct Standards Policy.)

1. Neither the PHA, nor any of its contractors or subcontractors, may enter into any contract or arrangement in connection with tenant-based programs in which the following class of persons has any interest, direct or indirect, during tenure or for one year thereafter.
   a) Any present or former member or officer of the PHA, or any member of the officer's immediate family; exempted is any present or former resident commissioner who does not serve on the governing body of a resident corporation, and who otherwise does not occupy a policy-making position with the resident corporation.
   b) Any employee of the PHA, any contractor or subcontractor, any agent of the PHA, who formulates policy or who influences decisions with respect to the PHA's programs;
   c) Any public official, member of a local governing body, or state or local legislator, or any members of such individuals' immediate family who exercises, function, or has responsibilities with respect to the PHA's programs;
   d) Any member of the Congress of the United States; and
   e) Any member of the classes described in paragraph 1 of this section must disclose their interest or prospective interest to the PHA and HUD.
2. The PHA's Code of Ethics Policy prohibits solicitation or acceptance of gifts or gratuities, in excess of nominal value, by any officer or employee of the PHA, any contractor or subcontractor, or agent of the PHA.

   The PHA shall adhere to the Code of Conduct and shall sanction and/or terminate an officer, employee, or agent of violations consistent with applicable state or local law.

   The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

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CHAPTER 2. Outreach Program

A. Overview

The purpose of the PHA's outreach program is to inform eligible families of the availability of the public housing program and to attract a sufficient number and variety of applicants to fill all vacancies as they arise.

The PHA conducts affirmative marketing when needed to specified types of groups of families to assure that all eligible participants have an equal opportunity to utilize the program.

It will also conduct other outreach efforts from time to time if it finds that certain categories of families are not making applications in sufficient numbers to keep all dwelling units occupied.

B. Public Notice to Families

Each time the PHA receives or acquires an allocation of new units or its waiting list has been depleted, it will make known to the public, through publication in a newspaper of general circulation, minority media, and other suitable means, the availability and nature of its housing assistance for low-income families, unless it has earlier suspended application-taking and the size of the new allocation of dwelling units does not warrant resumption of such procedures. In addition to publishing the notice in local newspapers, the Agency may utilize free advertising via broadcast public service announcements.

1. The notice may also be posted at churches, public service/government offices, homeless shelters, senior centers, Facebook and website to broaden outreach efforts.

   The public notice will:

   a) Advise families where they may apply for the program;

   b) Give a brief description of the program;

   c) State that applicants must submit a written application if they wish to apply; and

   d) Itemize the income limits for eligibility, including the low-income limits up to eighty percent (80%) of the local area median income (AMI).

C. Special Outreach

As needed, the PHA will take affirmative action in marketing the program, to assure that opportunities for program participation are adequately publicized to the following:

1. Families identified by the PHA as being among those least likely to apply. These families may include the frail elderly, homeless and disabled because of their inability to travel to the PHA's application office.
2. Families identified in the jurisdiction's Consolidated Plan as being expected to reside in the PHA's jurisdiction because of present and planned employment.

D. Equal Opportunity

All outreach efforts must be accomplished in accordance with the nondiscrimination requirements of Federal and state laws, and HUD guidelines for fair housing that require the use of the equal opportunity logo, statement and slogan.

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E. Planning for Outreach

Within the constraints of its financial resources and the number of applicants needed, the PHA may utilize some or all of the following methods to attract eligible families:

1. Identify local resources for performing outreach functions, such as the PHA staff, community groups and agencies, elements of city and county governments, colleges and universities;
2. Post notices in places of employment, unemployment offices, welfare offices, Post Offices, grocery stores, churches, community halls, city and county offices, utility companies, day-care centers, Salvation Army offices, laundry facilities and senior citizen centers;
3. Place news stories in daily and weekly newspapers and other local publications;
4. Request public service announcements by local radio and television stations of English and any other language common to the area;
5. Make oral presentations before organizations, groups and agencies that serve the elderly, disabled, homeless and victims of domestic violence;
6. Place notices in church bulletins and newsletters; and
7. Encourage applicants and residents to inform their friends and relatives about the public housing program.

F. The Outreach "Message"

1. The outreach message will inform families of where, when and how families may apply for the program, and will also include information about the PHA's application procedures.
2. The PHA will also stress characteristics of the housing program which appeal to low income families, such as the fact that the rent is based on income and includes the cost of utilities (except telephone, A/C and cable); and dwelling units may be more attractive in appearance than the single-family homes or rental units where applicants currently live. Applicants should also be advised that families, as well as elderly or disabled residents may own a pet (service animals for the disabled are allowed in any unit and are exempt from the PHA's pet ownership rules on size, type and weight).

G. Outreach Techniques

Family characteristics, ethnic backgrounds, income levels, ages, health and employment opportunities are all among the various factors which influence family decisions on whether to apply for public housing. As needed, special efforts will be made to attract the following types of families when the number of residents in these categories is low in relation to all the resident population.

1. Non-elderly, "working poor" families receiving no welfare or other public assistance income, and whose members are only marginally employed.
   a) Such families are usually less knowledgeable about government assistance programs, and although eligible, may be reluctant to apply, since they perceive such assistance as "charity" or "welfare".
   b) To attract working poor families, the PHA will emphasize the confidentiality of the application and income/assets information, the objective of providing decent, safe, sanitary housing in good repair; and that having affordable housing may help the family improve financial condition and be a key factor in upward mobility and self-sufficiency.

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2. Elderly families whose heads, spouses, or sole members are sixty-two (62) years of age or older.
   a) Some senior citizens, like the working poor families, may be reluctant to apply for public housing. Limited mobility, a desire to retain their possessions and remain in familiar surroundings, and incorrect information about having to sacrifice assets may all influence an elderly person's decision on whether or not to apply for public housing.
   b) To attract elderly families, the PHA will use some of the same techniques it uses on working poor families, including the following:
      (1) Contacting the elderly person or family personally;
      (2) Providing information to groups and organizations representing the elderly;
      (3) Taking applications at the elderly person's home if transportation is unavailable or mobility is a problem; and
      (4) Enlisting the support and assistance of groups, organizations and agencies representing the elderly.
3. Homeless Families
   a) The PHA will contact welfare agencies, churches, food centers, temporary shelters, and other groups or locations serving homeless families.
   b) The Agency may also engage in a Memorandum of Understanding with social service groups to facilitate referrals between the agencies.
4. Individuals with disabilities, families including a person with disabilities and families that include persons who may be unable to complete an application without assistance.
   a) In hardship cases, the PHA may take applications at the home of applicants, or by mail, if requested to do so by applicants or their guardians.
   b) The PHA may encourage interested service agencies to assist such as persons in the application process and may contact organizations that provide services to the disabled, to explain the public housing program and distribute information and guidance on the program.
   c) Dwelling units of any size may be used to accommodate elderly or disabled persons living alone, in pairs, or in small groups, in accordance with the PHA's Occupancy Standards.
5. Families expected to reside in the locality because of the planned employment. If additional families are needed to fill vacant units, the PHA will:
   a) Determine the approximate number of new families expected to reside in the PHA's jurisdiction.
   b) Distribute pamphlets, brochures, posters and other types of information to places where the new families will be employed, union offices, public transportation areas (if any), and in commercial establishments in surrounding areas;
   c) Contact utility offices and city and county offices about the possibility of including PHA brochures in monthly statements mailed to families.

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6. Involuntarily displaced families, such as those affected by new streets, roads or highways which make their current dwellings uninhabitable, or families whose rental apartments have been converted into other types of housing, such as condominiums. Possible actions that can be taken include the following:
   a) Monitor local news media reports of code enforcement, community redevelopment, rehabilitation and new housing developments;
   b) Participate in the meetings of local governing bodies to monitor the responses of affected families;
   c) Contact the officials, agents, or representatives responsible for the new situations and offer assistance in providing housing for the affected clients; and
   d) If possible, obtain the names and addresses of affected families and mail letters to them on a housing program.

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CHAPTER 3. Application for Admission

The PHA will only accept applications for housing assistance when the waiting list is open.

1. The PHA will accept applications at 2330 Ohio Street, 800 N 8th St, 501 Cherry Circle, or 2010 Hendricks St, Paducah, Kentucky, or online at www.paducahhousing.com. Each person or family seeking admission to a unit must submit a written or online application.

2. When the waiting list is open, the PHA will accept applications between the hours of 8:30 am to 12:00 pm and 1:00 pm to 4:00 pm on Tuesday of each week on a first come, first served bases. We will work from a sign in sheet. Those who sign in and are unable to be assisted that day will be given first opportunity to be assisted on the following Tuesday, so long as they are present at 8:30 am on the following Tuesday. Accessibility is available or will be provided as a reasonable accommodation for persons with disabilities.

3. Unless the PHA's waiting list is closed, the PHA will accept an application from any person or family who wants to apply, even if an informal discussion indicates that the applicant may not be eligible.

4. Steps for processing the applications are outlined below:

   a) The application must be signed by the applicant, date and time stamped, and must be complete. Incomplete applications will not be processed. The application documents will state what is necessary for the application to be considered complete.

   b) Each application will be processed only to the extent necessary to determine initial eligibility based on information provided on the application or placement on the waiting list.

5. The PHA will notify all applicants for general occupancy developments constructed prior to 1978, especially those with children who are under six (6) years of age, of the dangers of lead-based paint poisoning, and whether blood lead level screening is available for those children. This notification will be done even though the PHA may have completed all lead-based paint abatement requirements for all development units. If blood level screening is available, the applicant will be advised to notify the PHA if any of the applicant's children under six (6) years of age who are tested have an elevated blood lead level.

6. During periods of time when application taking is closed, the PHA will not maintain a list of individuals who wish to be notified when the waiting list is reopened. However, the PHA will maintain a recorded message providing current information on when the waiting list will or might be reopened.

7. The application may be fully completed by the applicant or by the PHA and signed by the applicant. Incomplete applications will be denied by the PHA. The application documents will state what is necessary for the application to be considered complete.

8. The PHA may request documentation from the applicant needed to verify the information provided at the time of application is taken. All information necessary to determine appropriate placement on the waiting list including documentation of need for a reasonable accommodation or family composition will be requested.

9. In addition to obtaining information from the applicant, the PHA will respond to questions from the applicant, and will provide whatever PHA-related information the applicant may desire, including information about the public housing program, the dwelling lease, and the number of bedrooms in units at various developments or sites.

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10. The PHA will also inform applicants of any other housing assistance programs the PHA administers. If the applicant is interested, the PHA will advise the applicant how and where to apply for those programs. The PHA will also advise applicants about housing assistance programs in other localities, where available.
11. The PHA may take applications at more than one location. The PHA may also take applications in outlying areas on specific days. The PHA will make special arrangements to take the applications of persons who are unable to come to the office, such as elderly or disabled persons. It may also utilize other locations as will afford applicants the greatest opportunity to exercise their rights under the resident selection and admissions policies and procedures.
12. The PHA will inform all applicants of the availability of any local preferences and will give all applicants an opportunity to claim for a preference.
13. If the PHA determines that the notification of the availability of local preferences to all applicants on a waiting list is impracticable because of the length of the list, it may provide this notification to fewer than all applicants on the list at any given time. The PHA will, however, have notified a sufficient number of applicants that, on the basis of its determination of the number applicants who are on the waiting list who claim preferences, and the anticipated number of admissions:
    a) There is an adequate pool of applicants who are likely to qualify for local preferences; and
    b) It is unlikely that, on the basis of the PHA's criteria for applying the local preferences, that any applicant who has not been notified would receive assistance before those who received notification.

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CHAPTER 4. Record of Applications and Waiting List

The following are policies for documenting actions taken by PHA employees in processing applications for dwelling units.

A. Record of Applications/Waiting List

1. Each applicant's name will be placed on the PHA's Record of Applicant/Site-Based Waiting List, based on the date and time the application is received and any applicable preferences.
   a) The PHA will assure that at least forty percent (40%) of annual new admissions shall be an extremely low-income family. A very low-income family whose annual income does not exceed the higher of:
      (1) The poverty guidelines established by the Department of Health and Human Services (DHHS) applicable to the family of size involved (except in the case of families living in Puerto Rico or any other territory or possession of the United States); or
      (2) 30% of the median income for the area, as determined by HUD, with adjustment for smaller and larger family, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.
2. The Record of Applications/Waiting List will include, at a minimum, the following:
   a) The applicant's name;
   b) Date and time of application;
   c) Race/ethnicity of the head of household;
   d) Unit size required based on PHA occupancy standards;
   e) Determination of eligibility or ineligibility;
   f) The applicant's preferences;
   g) The date the applicant was offered a unit;
   h) The unit number and location;
   i) The date the applicant was assigned a unit, or the date the applicant rejected the unit offer; and
   j) Any circumstances pertaining to assignment of a unit, such as removing the applicant's name because the applicant requested it be done;
3. Applicants on the waiting list shall contact the PHA annually to confirm and changes in interest, qualifications, or contact information.
4. Consistent with the objectives of Title IV of the Civil Rights Act of 1964, other statutory requirements and HUD regulations and policies the PHA will make offers from the Record of Applications only based on the date and time of application, local preferences (if applicable), and bedroom size needed.

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B. Organization of the Waiting Lists

1. The Record of Applications (Waiting List) will be organized in such a manner that the PHA can easily identify the date and time the application was submitted, the applicant's preferences for admission (based on the local preferences), the size and type of unit needed, and other decision-making factors.
2. Waiting lists are site-based in scope. Changes in the scope of the waiting list will be duly adopted by the Board of Commissioners and incorporated into this document by reference following a period of thirty (30) days posting.
3. In order to achieve the PHA's goal of income targeting and income mixing, the Agency will utilize waiting list skipping as an incentive when necessary and other incentives may be adopted by the Board of Commissioners of the PHA.

C. Updating the Waiting Lists

1. The PHA may update (purge) it's waiting list at least every twelve (12) months, but as often as quarterly, in order to remove the names of applicants who are no longer interested in being admitted, no longer qualify for admission or who cannot be located.
2. The PHA will document the reason for removing any applicant's name from the waiting list(s).
3. The PHA requires applicants to report, in writing any changes in family composition or circumstances, and any significant changes in income or assets that would affect the family's eligibility, the type of development, or the size and type of unit needed.
4. If an applicant does not respond to the PHA's efforts to contact them regarding continued interest, updates, additional information or offers of assistance, the applicant will be removed from the waiting list and their application withdrawn.
5. Application Rejection and Removal from the Waiting List

   The PHA will remove an applicant's name from the waiting list under the following conditions:

   a) The applicant requests that their name be removed; or
   b) The applicant is advised in writing to inform the PHA of the applicant's continued interest by a particular time, and the applicant fails to do so; or
   c) The PHA makes reasonable efforts to contact the applicant to determine if there is continue interest, but the PHA is unsuccessful in locating the applicant; or
   d) The PHA makes reasonable efforts to contact the applicant to schedule interviews necessary to complete the application process or to obtain information necessary to process the application, and the applicant fails to respond; or
   e) The applicant fails to keep a scheduled appointment or provide necessary information for application processing or waiting list maintenance. The PHA will notify the applicant that he/she has five (5) calendar days to reschedule or provide requested information. If the applicant fails to respond, their application will be withdrawn. However, the PHA will consider mitigating circumstances such as health problems or lack of transportation in determining whether the application should be withdrawn.
   f) The PHA notifies the applicant of its intention to remove the applicant's name from the waiting list(s), because the applicant no longer qualifies for Public Housing;

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g) The applicant fails to complete any required pre-occupancy classes/orientation;

h) The applicant fails to pay an existing utility balance resulting in denial of service by the utility supplier;

i) If after initial determination of eligibility, a member of the applicant family has:

(1) Become required by law to register for lifetime as a sex offender.

(2) Become involved in drug or violent criminal activity as determined by a conviction.

(3) Perpetrated domestic violence including dating violence, sexual assault, or stalking. Family members who were involved in such acts as victims may be considered for admission only if the perpetrator is no longer in the household.

(4) The applicant fails to satisfy Tenant Selection Criteria as outlined in this policy.

The PHA will notify the applicant of the rejection, in writing, and advise him/her of their right to an informal meeting.

6. The PHA will take the following actions when updating the waiting list:

a) Mail or Email a notice to each applicant on the waiting list advising them of the need to update their application. The notice will include instructions for responding to the letter or email.

b) The notice will include an update form to be completed and returned to the PHA. Online applicants will utilize the Save my Spot feature within the Rent Café Portal.

c) Applicants will have ten (10) calendar days from the postmark/email date of the update notice to respond online, by mail, by email, or in person.

d) If applicants fail to respond to either the update letter or if the letter is returned postmarked by the post office as undeliverable, the PHA will withdraw their application.

e) If the reason an applicant does not respond to the PHA's attempt to contact him/her is related to a disability, the PHA will, as a reasonable accommodation, reinstate the applicant in their former position on the waiting list if.

D. Closing the Waiting List

1. If the PHA has enough applicants to fill expected vacancies over a period of one (1) year, the PHA may close the waiting list.
2. The PHA will close the waiting list by publicly announcing any decision to suspend or to restrict the taking of applications. It will not reopen the list until it publicly announces when it will resume the taking of applications.
3. If the PHA has too many applicants it may close all waiting lists or close portions of the waiting list by type of development, or size and type of dwelling unit as appropriate.
4. The PHA will not close a waiting list if closing the list would have a discriminatory effect that would be inconsistent with applicable civil rights laws.
5. Prior to closing a waiting list, the PHA will assess the waiting list to determine that it has sufficient applicants to fill expected vacancies for a minimum of one (1) year.

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E. Opening the Waiting List

The opening of the Waiting List shall be announced through public notices as follows:

1. The notice shall be placed in a newspaper of general circulation, in a minority publication and in plain view in the application office.
2. Postings may be made at locations throughout the community and may be sent to social service agencies.
3. The notice shall contain where and when interested parties can apply.
4. The notice shall state limitations on who may apply (i.e. bedroom size, etc.).
5. The PHA may open all waiting lists or only portions of waiting lists by type of development or size and type of dwelling unit as appropriate.
6. The notice shall contain the Equal Opportunity Housing logo and non-discrimination statement in the advertising message.
7. New applicants with preferences would not qualify before other applicants with identical preferences already on the waiting list.

F. Applicant Files

The PHA will establish and maintain an individual file containing information on each applicant household. Such files will be retained for at least three (3) years after the audited Public Housing Assessment System (PHAS) submission for that year.

Material secured under a criminal background check or drug treatment center check will not be retained in the applicant file but will be segregated in a secure location under lock and key. Following a decision on acceptability of an applicant, the criminal background check and drug treatment program information will be removed and destroyed (shredded).

This procedure is subject to delay if the applicant requests an informal review with respect to denial of their application based on information received from either source. The PHA may retain the information until the statute of limitations passes for filing a civil lawsuit if the PHA believes there will be litigation.

Applications and material submitted by the family will be retained for a minimum of five (5) years if there is a U.S. Citizenship and Immigration Services (USCIS) [formerly the Immigration and Naturalization Service (INS)] appeal and/or an informal hearing with the PHA concerning the citizen/non-citizen documentation.

Applicant files that have been the subject of an appeal to the U.S. Citizenship and Immigration Services (USCIS) or have been used in an informal hearing with the PHA concerning the citizen/non-citizen documentation will contain the following:

a) The original application for housing assistance;
b) Form HUD 92006: Supplemental Information to Application for Federally Assisted Housing;
c) Photocopies of any original documents (front and back), including Social Security cards, birth certificates, photo identifications and original USCIS documents. (Under no

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circumstances will photocopies of Federal checks be made or retained in applicant/resident files);

d) All signed verification consent forms including Form HUD-9886-A executed by all household members age 18 and older;

e) The USCIS verification results (both primary and, if applicable, secondary);

f) The request for a USCIS appeal;

g) The final USCIS determination;

h) The request for a PHA informal hearing; and

i) The final PHA informal hearing decision.

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Chapter 5. Basic Eligibility Requirements

Pursuant to HUD regulation the Housing Authority is permitted to admit only eligible families to the Public Housing Program. To be eligible, an applicant must meet the PHA's definition of family, must be income eligible and must be a citizen or a non-citizen who has eligible immigration status. In addition, once the family is determined to be eligible, the family must meet the PHA's screening criteria regarding family behavior and suitability for tenancy. These requirements are outlined below.

A. General Eligibility Requirements

The PHA will determine whether an applicant for participation in the low-rent housing program qualifies as a family, is income-eligible, has disclosed and verified Social Security Numbers for each household member, is a U.S. Citizen or National or meets eligible non-citizen immigration status, and has no history of drug/alcohol abuse and/or record of violent crime.

1. Definition of a Family

   The applicant must qualify as a family. A family may be a single person or a group of persons.

   Family includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

   a) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or

   b) A group of persons residing together and such group include, but are not limited to:

      (1) A family with or without children (a child who is temporarily away from home because of placement in foster care is considered a member of the family);

      (2) An elderly family;

      (3) A near-elderly family;

      (4) A disabled family;

      (5) A displaced family; and

      (6) The remaining member of a tenant family.

   Discrimination on the basis of familial status is prohibited, and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law.

   The term "Disabled Person" (or "person with a disability") does not include disability based solely on the basis of drug or alcohol dependence.

   Definitions of "disabled family", "elderly family", "near elderly family", "sexual orientation" and "gender identity" are found in Appendix L – "Definitions" of this document.

2. Special Eligibility Provisions Relating to Applicants Requiring a Live-In Aide

   The live-in aide must submit information as requested and for review by the PHA for eligibility under the Tenant Selection Criteria of this policy, including the criminal background check. If the PHA determines an individual proposed as a live-in aide to be ineligible, the resident or applicant may propose an alternate live-in aide for screening or may appeal the determination of ineligibility to the PHA.

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3. Unit Size Consideration

   The applicant or resident and the live-in aide may each be allocated a separate bedroom. However, because the availability of 2-bedroom units in mixed population developments may be limited, the PHA may allow the resident or applicant to choose from the following options with the understanding that transfer requests will not be honored after occupancy:

   a) To be considered for a 2-bedroom unit in a mixed population development;

   b) To be considered for a 1-bedroom unit in a mixed population development;

   c) To be considered for a 2-bedroom unit in a general occupancy development.

   Applicants requesting placement in a 2-bedroom unit in a mixed population development will be placed on the 2-bedroom waiting list in the order of the applicant's application date.

   A live-in aide who has been approved for occupancy by management is added to the lease by means of a live-in aide amendment. This amendment specifically states that a live-in aide does not have rights to occupy a PHA unit as the Remaining Member of a Tenant Family if the resident requiring their services vacates the unit or dies.

   The Head of Household resident is responsible for all acts of all household members with respect to the requirements of the dwelling lease. Any violation of lease provisions by the live-in aide may be cause for eviction of the household.

4. Income Eligibility

   a) Overall Income Eligibility for Admission

      No family other than a low-income family as defined in regulations is eligible for admission to Low-Rent Public Housing units. An exception to this regulation may be made by PHAs with 250 or fewer units if they have no eligible applicants and advertising does not result in additional eligible applicants.

      At least forty percent (40%) of new admissions annually must be extremely low-income families. This includes families who, at the time of application and/or admission, have no countable income. *See Chapter 7. Applicant Screening and Denial of Admission*, for policies applicable to applicants reporting "zero" income.

   b) Family Income

      A family's annual income, at the time of admission, may not exceed the income limits established by HUD and published in the Federal Register applicable to the PHA's jurisdiction, for the current year. (See Appendix D.)

      The PHA will complete the verification when the family is within the top five (5) on the waiting lists, unless PHA has a need to verify further down the list to get vacancies filled. Any change in income, family size or composition can occur during the period of time between that verification and the offer of housing. Since such changes can affect eligibility, the family must immediately report such changes so that the correct rent and unit size can be determined.

   c) The PHA shall comply with HUD prescribed reporting requirements so that HUD may maintain reasonably current data. Records of admissions of low-income families will be maintained by the PHA to ensure that admission requirements and targets are met.

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d) The PHA will not commence eviction proceedings, or refuse to renew a lease, based on the income of the resident family unless:

(1) It is identified, for possible rental by the family, a unit of decent, safe, sanitary housing in good repair, of suitable size, available at a rent not exceeding the Tenant Rent; or

(2) It is permitted to do so by local law.

5. Background

The following background factors will limit admission of families who have as a household member any of the following:

a) Persons convicted of manufacturing or producing methamphetamines on the premises of any assisted housing are permanently denied admission to public housing. **The PHA will not waive this criterion**;

b) Any person determined to be currently using an illegal substance will be denied admission;

c) Persons determined to be currently abusing alcohol in a way that will interfere with the safety or right to peaceful enjoyment of other residents will be denied admission;

d) Any household with a family member subject to a lifetime registration under a state sex offender registration act will be denied admission. **The PHA will not waive this criterion**;

e) Any person determined to be fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, (in the case of the State of New Jersey is a high misdemeanor).

f) Any person violating a condition of probation or parole imposed under Federal or State law.

The PHA may waive the denial of admission if the drug or alcohol abuser can demonstrate successful current participation in, or completion of, a supervised drug/alcohol rehabilitation program. No exception will be made for persons convicted of methamphetamine production or manufacture on the premises of any assisted housing and those subject to the sex offender lifetime registration requirement.

6. Mandatory Disclosure and Verification of Social Security Numbers (SSN)

Prior to admission, all applicant family members must disclose and provide acceptable documentation of the Social Security Number (SSN) assigned to each household member by the Social Security Administration. This includes any SSN numbers assigned to applicant/participant family members under any other names.

All household members, six years old or older, approved by the PHA to be added after admission are required to disclose and provide documentation of SSNs at the time the request is made to add the member.

If a child, under six (6) years old was added to the assistance applicant family in the six-month period prior to the household's date of admission, documentation verifying the child's SSN information need only be supplied within 90 days of the date of admission.

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One additional 90-day extension must be granted, if the PHA determines the applicant's failure to meet the first timeline could not be reasonable foreseen or was outside his/her control.

Should a family member not have a Social Security number, they must certify that they do not, in fact, have a number.

7. Penalties for Failure to Disclose and/or Provide Documentation of the SSN

   In accordance with 24 CFR 5.218, the following penalties apply for noncompliance with the SSN disclosure and documentation requirements:

   a) Applicants

      PHA shall deny the eligibility of an applicant if each member of the household who is required to disclose their SSN fails to disclose and/or provide documentation of their individual SSN.

      If the family is otherwise eligible to participate in the public housing program, PHA shall allow the family to maintain their position on the waiting list for a period of sixty (60) days to permit the family to obtain and disclose the required SSN information. During this period, if a unit becomes available and the household members have not disclosed their SSN, PHA shall offer the available unit to the next eligible applicant family on the waiting list.

   b) Program Participants

      PHA shall terminate the tenancy of the entire household of a public housing participant family if the household members who are required to disclose and document their SSN fail to do so.

      If the family is otherwise eligible for continued occupancy, PHA, at its discretion, may defer the family's termination and provide the family an opportunity to comply with the requirement within a period not to exceed ninety (90) calendar days from the date PHA determined the family noncompliant with the SSN disclosure and documentation requirement, if PHA determines.

      (1) The failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside the control of the family; and

      (2) There is reasonable likelihood that the family will be able to disclose the SSN and provide documentation of the SSN by the deadline.

      PHA shall terminate the tenancy of the entire household if the family is unable to comply with the requirements by the specified deadline.

8. Verification of Social Security Numbers

   Social Security verification requirements are outlined in 24 CFR Part 5.216 and 5.218 – Disclosure of Social Security and Employer Identification Numbers.

   Social Security numbers (SSN) for each household member must be disclosed as a condition of eligibility by all applicants and tenants in the public housing program (24 CFR 5.216)

   An individual who previously declared to have eligible immigration or eligible citizenship status may not change his/her declaration to not contend to the have eligible immigration status for the purpose of avoiding compliance with the SSN disclosure and documentation

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requirements for penalties associated with noncompliance of these requirements (PIH Notice 2012-10).

The head of household may not opt to remove a household member from the family composition for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance of these requirements.

a) Exception to this requirement are:

   (1) Those individuals who do not contend to have eligible immigration status and have not been assigned an SSN.

   (2) Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. PHA shall confirm HUD's validation of the participant's SSN by viewing the household's EIV Summary Report or the EIV Identity Verification Report.

   (3) Existing tenants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exemption shall continue even if the individual moves to a new assisted unit.

b) The PHA shall request applicants and tenants to disclose and provide documentation of each household member's SSN in the following acceptable forms:

   (1) Original SSN card Issued by the Social Security Administration (SSA);

   (2) Original SSN-issued document, which contains the name and SSN of the individual, or;

   (3) Original document issued by a federal, state, or local government agency which contains the name and SSN of the individual.

c) To verify the disclosed SSN for each household member, the PHA, as required by regulation, shall:

   (1) Obtain the documentation listed above;

   (2) Make a copy of the documentation submitted and retain the copy in the file folder;

   (3) Record the SSN accordingly in the Family Report (HUD-50058) and transmit the form to HUD within a timely manner. The PHA will transmit the HUD-50058 no later than 30 calendar days of receiving the SSN documentation to enable HUD to initiate its computer matching efforts for current program participants.

   (NOTE: HUD does not initiate computer matching efforts for applicants)

d) If an Applicant or Resident is able to disclose the Social Security number but cannot meet the documentation requirements, the Applicant or Resident must sign a self-certification to that effect. The Applicant/Resident or Family member will have an additional sixty (60) calendar days to provide proof of the Social Security number. If the documentation is not provided, the Family's lease may be terminated, and the Family evicted, or the Applicant not admitted.

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9. Rejection of Documentation

   PHA may reject the documentation of the SSN provided by the applicant or tenant for the following reasons:

   a) The documentation is not an original document; or

   b) The original document has been altered, mutilated, or not legible; or

   c) The document appears to be a forged document (does not appear to be authentic).

   The PHA shall explain to the applicant or tenant the reason(s) the document is not acceptable. The PHA shall then request the individual to obtain acceptable documentation of the SSN and submit the document to PHA within thirty (30) days.

   The PHA shall verify the SSN via the EIV Summary Report or the EIV Income Report and shall maintain a copy of the report in the family file as confirmation of compliance with SSN disclosure, documentation, and verification requirements.

10. Individuals without an assigned SSN

    Examples of some individuals who may not have an SSA-assigned SSN are listed below. This list is not all-inclusive.

    a) U.S. Newborn children (eligible citizens - will be issued an SSN upon SSA confirmation of birth).

    b) Noncitizens lawfully present in the U.S.

    c) Noncitizens unlawfully present in the U.S.

    Noncitizens lawfully present in the U.S. will be issued an SSN upon SSA confirmation of the individual's DHA documentation or confirmation that the individual is required by law to provide a Social Security number in order to receive assistance benefit that they already have qualified for.

    Noncitizens unlawfully present in the U.S. cannot be assigned a Social Security Number.

    The PHA shall require that a citizen or lawfully present noncitizen who state that they have not been assigned an SSN by the SSA to make such declaration in writing and under penalty of perjury.

11. Addition of a New Household Member

    a) New household member at least six (6) years of age or under the age of six (6) and has an assigned SSN:

       When the family requests to add a new household member in this age category, the Family must disclose to the PHA the assigned SSN number of the new household member and provide the PHA with the acceptable form of documentation at the time of such request. If the family is unable to provide the PHA with the required documentation of the SSN, the PHA will not add the new household member until the family provides such documentation.

    b) New household member under the age of six (6)

       When the family requests to add a new household member in this age category and the new member does not have an assigned SSN, the family must disclose the

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assigned SSN and provide the PHA with the acceptable form of documentation within ninety (90) calendar days of the child being added to the household.

If the PHA determines that the family was not able to comply with the SSN disclosure and documentation requirement due to circumstances that could not have reasonably been foreseen and were outside the control of the family, the PHA will, as required, will grant the family an additional 90-day period to comply.

c) Examples of circumstances outside the control of the family include but are not limited to:
   (1) Delayed processing of SSN application by SSA
   (2) Natural Disaster
   (3) Fire
   (4) Death in family

The PHA shall require the family to provide documentation for the unforeseen circumstances out of the control of the family to be presented.

During the time allotted for the family to comply with the SSN disclosure and documentation requirements, the child shall be included as part of the assisted household and shall be entitled to all the benefits of being a household member.

If the family does not comply with the SSN disclosure and documentation requirements by the expiration of the allotted time provide to the family, the PHA shall terminate the family's tenancy.

12. Authorization for the Release of Information/Privacy Act Notice

Each member of the applicant family who is eighteen (18) years of age or older, must sign an Authorization for the Release of Information/Privacy Act form (HUD-9886-A) annually authorizing HUD and the PHA to request information from specified sources necessary to verify the household's income. A household member who turns 18 during the year will be required to sign a HUD-9886-A at the family's next annual or interim recertification.

Any adult that is requested to be added to the household composition must sign the authorization form at the time that the request is made.

Failure to Sign Consent Form: Your failure to sign the consent form will result in the denial of eligibility or termination of assisted housing benefits, or both. Denial of eligibility or termination of benefits is subject to the HA's grievance procedures and Section 8 informal hearing procedures.

Revocation of consent: If you revoke consent, the PHA will be unable to verify your information, although the data matches between HUD and other agencies will continue to automatically occur in the Enterprise Income Verification (EIV) System if the family is not terminated from the program. Revocation of consent will result in the denial of eligibility or termination of assisted housing benefits, or both.

The sources of information to be obtained by HUD and/or the PHA will be in accordance with the limitations addressed for each source in form HUD-9886-A.

Critical implementation factors require the PHA to utilize other consent forms to verify information other than the limited sources permitted by form HUD-9886-A. The information

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requested is pertinent to determine the family's eligibility and/or level of assistance the PHA can provide.

B. U.S. Citizen, U.S. National or Eligible Non-Citizen Immigration Status

All applicants for public housing must meet the following requirements:

1. A U.S. Citizen or U.S. National must sign a declaration of U.S. Citizenship or status of U.S. National;
2. Non-citizens who are sixty-two (62) years of age or older, must provide the following:
   a) A signed declaration of eligible immigration status; and
   b) Proof of age document
3. All other non-citizens must:
   a) Sign a declaration of eligible non-citizen immigration status;
   b) Provide original documents which verify status; and
   c) Sign a verification consent form.
4. All declarations will be verified.

   Every adult family member must sign either a declaration of U.S. Citizenship or eligible immigration status. For each child, and adult who is responsible for the child and who is residing in the assisted dwelling unit, must sign a declaration. The family must identify in writing any household members who do not claim to have eligible status.

C. Delay of Assistance to Applicant

Housing Assistance to an applicant family may not be delayed or denied on the basis of ineligible immigration status of a family member if the primary and secondary verification of any immigration documents that were timely submitted has not been completed. However, the PHA will delay or deny assistance to a family until at least one family member has been determined eligible for assistance.

1. Delay to an applicant is permissible after the conclusion of the USCIS appeal process but assistance is not denied until the conclusion of the PHA informal hearing process if the family requests an informal hearing.
2. Other events causing denial of assistance are:
   a) Evidence of citizenship (i.e. The declaration) or eligible immigration status is not submitted by the date specified in the written notice or by the expiration of any extension granted in accordance with a written notice of an extension period; or
   b) Evidence of citizenship or eligible immigration status is timely submitted, but USCIS primary and second verification does not verify eligible immigration status of a family member and;
      (1) The family does not pursue USCIS appeal or PHA informal hearing rights as provided in this section; or
      (2) The USCIS appeal and informal hearing rights are pursued, but the final appeal or hearing decisions are decided against the family member.

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3. A notice of denial or termination of assistance shall inform the family:
   a) That financial assistance will be denied or terminated with the reasons for the denial or termination; and
   b) That they may be eligible for prorated assistance; and
   c) That they have the right to request an appeal to the USCIS of the results of the secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal in accordance with USCIS appeal procedures to USCIS; and
   d) That the family has the right to request an informal hearing with the PHA within fourteen (14) days either upon completion of the USCIS appeal or in lieu of the USCIS appeal; and
   e) That the PHA cannot overrule the USCIS decision regarding eligible immigration status.

D. Appeal to the U.S. Citizenship and Immigration Services (USCIS)

1. Submission of the request of appeal

   Upon receipt of notification by the responsible entity that USCIS secondary verification failed to confirm eligible immigration status, the responsible entity shall notify the individual or family of the results of the USCIS verification. After notification of the USCIS decision on appeal, or in lieu of an appeal request to the USCIS, the individual or family may request that the responsible entity provide a hearing. This request must be made either within thirty (30) days of receipt of the notice described in paragraph (d) of Section 5.514, or within thirty (30) days of receipt of the USCIS appeal decision issued in accordance with section 5.514. The family shall make the request for an appeal by communicating that request in writing directly to the USCIS. The family must provide the responsible entity with a copy of the written request for appeal and proof of mailing. For good cause shown, the responsible entity shall grant the family an extension of the time within which to request an appeal.

2. Documentation to be submitted as part of the appeal to USCIS

   The family shall forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request form G-845S (used to process the secondary verification request) or such other form specified by the USCIS to record immigration status verification results. The PHA will provide the family a copy of the G-845S that documents the ineligible status of a family member.

3. Decision by USCIS
   a) When the decision will be issued. The USCIS will issue to the family, with a copy to the responsible entity, a decision within thirty (30) days of the receipt of documentation concerning the family's appeal of the verification of immigration status. If, for any reason, the USCIS is unable to issue a decision within the thirty (30) day' time period, the USCIS will inform the family and the responsible entity of the reasons for the delay.
   b) Notification of the USCIS decision and of informal hearing procedures: When the PHA receives a copy of the USCIS decision, the PHA's shall notify the family of its right to

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request an informal hearing on the PHA's ineligibility determination in accordance with the PHA's grievance procedures.

4. There will be no delay, denial or termination of assistance until completion of the USCIS appeal process and/or the PHA appeal of a family member's ineligible status is completed.

E. Non-Eligible Immigration Status

Individuals who contend not to have eligible immigration status must identify themselves to the PHA that they elect not to provide documentation of eligible immigration status or sign a declaration of eligible non-citizen immigration status. However, family members must identify in writing to the PHA the family member(s) who will elect not to contend having eligible status. Family members who elect not to provide documentation concerning eligible non-citizen immigration status shall be required to comply with other program requirements or assistance may be denied to the entire applicant family.

If a family member has chosen not to contend to have eligible immigration status, the PHA may admit the family under Prorated Assistance. See the section noted Prorated Assistance to determine how the family's rent will be calculated.

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CHAPTER 6. Selection Policies and Preferences System

A. Policies and Requirements

These selection and preference policies are designed to:

1. Give preference to applicants who are otherwise eligible for assistance and who, at the time they are seeking assistance, qualify for one or more of the selection preferences adopted by the Board of Commissioners.
2. Additionally, these policies:
   a) Are based on local housing needs and priorities as determined by the PHA using generally accepted data sources, including its waiting list, public comment on the PHA's Annual Plan, and requirements of the Consolidated Plan;
   b) Direct the PHA to match characteristics of an applicant family with the type of unit available, for example, number of bedrooms;
   c) Provide preferences to elderly and/or disabled families for units in a public housing mixed population (formerly designed elderly) developments;
   d) Prohibit automatically denying admission to a particular group or category of otherwise eligible applicants (e.g. unwed mothers or families with children born out of wedlock); nor apply any criteria or consider any information pertaining to attributes or behavior that may be imputed by some to a particular group or category. All criteria applied or information considered in administering this policy shall relate solely to the attributes/behavior of the individual members of the family being considered for assistance;
   e) Assure that selection by the PHA among otherwise eligible applicants is objective and reasonable;
   f) Are consistent with PHA's responsibilities as a public body; and
   g) Are in compliance with state, local and Federal laws and regulations, including the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, the provisions of the Annual Contributions Contract between HUD and the PHA, and 24 CFR Part 5.216-5.218, "Disclosure and Verification of Social Security Numbers and Employer Identification Numbers by Applicants and participants in Certain Housing Assistance Programs"

B. Preference Policies:

1. Are duly adopted:
2. The PHA shall notify applicants on the waiting list of any changes to selection preferences through written notification. Applicants will be given an opportunity to show that they qualify for such preference(s). If it is not feasible to notify all applicants because of the length of the waiting list, the PHA may provide this notification to fewer than all applicants at any given time;
3. The PHA shall publicize preferences by posting copies in each office where applications are received, and by furnishing copies to applicants or residents upon request.

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C. Local Preferences and Ranking

The Housing Quality and Work Responsibility Act of 1998 permanently eliminated the Federal preference requirement; however, PHAs may adopt the Federal preference language and criteria as their local and/or ranking preferences.

The PHA will select and house applicants in accordance with the following preferences and priorities, in the order listed:

1. Limitations on Admission
   a) Types of developments and units available;
   b) Occupancy Standards (limitation on the minimum and maximum number of household members permitted to live in dwelling units of specified sizes).
2. Selection Preferences, as follows, in the order listed.

   The Housing Authority of Paducah does not currently have any Selection Preferences. This will be reevaluated annually to determine if unit vacancy is at a level that preferences can be both beneficial to the applicant and the Agency.
3. Date and Time of Application (in each of the above circumstances)

   Applicants who meet all the eligibility requirements and who qualify for a preference will be assisted first according to the date and time of application. After all applicants with verified preferences are assisted, the PHA will then contact applicant families who are on the waiting list, according to date and time of application, and bedroom size needed.
4. Eligibility for Multiple Preferences

   In the event that a family qualifies for multiple preferences, the PHA will award the points for all preference for which the family qualifies. Selection will be based on the points from multiple preferences.
5. Denial of Local Preference(s) claim

   Applicants must provide appropriate documentation to substantiate their claim for a local preference. Families who cannot provide the appropriate documentation to the agency will be notified in writing that they do not qualify for a local preference.

   The PHA will provide a written notice if an applicant does not qualify for a preference. This notice will contain: a brief statement of the reasons for the determination, and a statement that the applicant has the right to meet with the PHA's designee to review the determination. This request must be received by the PHA no later than ten (10) calendar days from the postmarked date of the notice.

   If the applicant requests the meeting, the PHA shall designate someone to conduct the meeting who is not the person who made the initial determination or reviewed the determination, a subordinate, or any other person designated by the PHA. A written summary of this meeting would be retained in the applicant's file. A letter informing the applicant of the final determination as to their local preferences status will be mailed within ten (10) days from the conference/hearing.

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CHAPTER 7. Applicant Screening and Denial of Admission

In screening applicants, the PHA employees will observe PHA policies/procedures and will verify all information submitted by the applicants. (*See Chapter 8. Verifications of Eligibility.)* The following outlines the actions to be taken in the process.

A. Applicant Screening

1. The resident selection criteria, and the screening information to be considered by the PHA, will be reasonably related to the individual attributes and behavior of an applicant, and will not be related to those which may be imputed to a particular group or category of persons of which an applicant may be a member.
2. Suitability screening attempts to determine if the applicant is likely to interfere with other residents by adversely affecting their health, safety or welfare, or affect adversely the physical environment or financial stability of the development if the applicant were admitted. Relevant information concerning the habits or practices to be considered may include, but is not limited to:
   a) Past performance in meeting financial obligations, especially rent and prior rental history with the PHA, if applicable;
   b) Rental history from previous owners/landlords or another PHA;
   c) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents;
   d) Information from personal references;
   e) Information from previous owners/landlords concerning housekeeping that would create health or sanitation problems;
   f) A history of criminal activity involving drug-related activity, a pattern of alcohol abuse, crimes of physical violence to persons or property, or other criminal acts which would adversely affect the health, safety or welfare of other residents;
   g) A conviction for manufacturing or producing methamphetamine (speed). These individuals will be permanently barred from public housing; or
   h) Eviction from federally assisted housing because of drug-related criminal activity, violent criminal activity or other criminal activity. These individuals and their families are ineligible for admission to public housing for a three (3) year period beginning on the date of such eviction. Eviction from federally assisted housing because of distribution of drugs or possession with intent to distribute, these individuals and their families are ineligible for admission to public housing for a five (5) year period beginning on the date of such eviction.

   The PHA may waive this requirement if:

   (1) The person demonstrates successful completion of a rehabilitation program approved by the PHA, or;
   (2) The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.
3. Applicants must conform to the occupancy standards on family size, family composition and extenuating circumstances discussed in *Section 12: Occupancy Standards.*

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4. The PHA will use up-front or third-party verification of all information whenever possible and the return envelope will be retained in the resident's file. If such up-front or third-party documentation is not available, the reason must be documented in the file.
5. The family will also submit, directly to the PHA, all documentation required for purposes of determining or auditing a family's eligibility to receive housing assistance, for calculating the family's adjusted income for Tenant Rent, for verifying related information, or for monitoring compliance with equal opportunity requirements. Failure to provide requested documentation will result in the denial of assistance.
6. Home Visits

   The PHA may conduct a home visit to consider if the conditions they observe are the result of the resident's treatment of the unit or are caused by the unit's overall substandard condition. The PHA will give at least two (2) days' written notice to all applicants or residents. Reasons for a home visit may include, but not be limited to, the following circumstances:

   a) Conflicting or negative rental history received from previous landlords;
   b) Conflicting or negative information received from personal references;
   c) Applicant provides no previous rental references;
   d) Applicant provides only related personal references; or
   e) Applicant has no credit history.

B. Consideration of Favorable Factors

In the event unfavorable information with respect to an applicant is received, the PHA will give consideration to the time, nature and extent of applicant's conduct, and to factors which might indicate a reasonable probability to favorable future conduct or financial prospects, including:

1. Evidence of successful completion of an appropriate rehabilitation program for drug or alcohol-related problems (requiring certification from a health professional, or State certified program). The applicant or family may be required to provide evidence of otherwise being rehabilitated successfully (i.e., participation in AA, ALANON, or other drug/alcohol support group);
2. The seriousness of the offending action;
3. The effect on the community of denial or the failure of the PHA to take such action;
4. The extent of participation by the leaseholder in the offending action;
5. The effect of denial of admission on household members not involved in the offending action;
6. The demand for assisted housing by families who will adhere to lease responsibilities;
7. The extent to which the applicant has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
8. The effect of the PHA's action on the integrity of the program;
9. The willingness of the applicant to exclude the offending household member in order to be admitted to the housing program, where the identified member has participated in or been culpable for action or failure to act that warrants denial;

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10. Evidence of the applicant family's participation in or willingness to participate in social services or other appropriate counseling programs, and the availability of such programs; and
11. Evidence of the applicant family's willingness to attempt to increase family income, and the availability of training or employment programs in the locality.

C. Denial of Admission Reasons

1. The PHA is not required or obligated to assist families where applicants or members of the applicant household:
   a) Do not meet the one or more of the eligibility criteria.
   b) Do not supply information or documentation required by the application process.
   c) Have failed to respond to written request for information or a request to declare their continued interest in the program or have not provided such information in a timely manner.
   d) Have a history not meeting their financial obligations, especially rent.
   e) Do not have the ability to maintain (with housing assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other residents.
   f) Have a history or criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other residents or staff or cause damage to the property.
2. The PHA may prohibit admission for a one (1) year period of ineligibility for:
   a) If any member of the family has ever been terminated from assistance under a Section 8 program or evicted from federally assisted housing.
   b) If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
   c) If the family currently owes rent or other amounts to:
      (1) The PHA
      (2) Any other PHA
      (3) Other federally assisted housing under the 1937 Act (as amended)
      (4) Any federally assisted housing defined as:
         a. Public housing;
         b. Housing receiving project-based or tenant-based assistance under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f);
         c. Housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing Act (12 U.S.C. 1701q);
         d. Housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act;

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e. Housing that is assisted under section 811 of the National Affordable Housing Act (42 U.S.C. 8013);

f. Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act (12 U.S.C. 1715*l*(d)(3)) that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act (12 U.S.C. 1715*l*(d)(5));

g. Housing insured, assisted, or held by HUD or by a State or local agency under section 236 of the National Housing Act (12 U.S.C. 1715z-1); or

h. Housing assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949 (42 U.S.C. 1483, 1484).

i. Any other affordable housing program receiving Federal, state, or local government assistance (e.g., CDBG, HOME, Tax Credits, General Obligation bonds, other grants and/or loans that establish limits on the rent a landlord may charge).

d) If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under a Section 8 assisted lease

e) If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.

f) If the PHA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

g) Use of an alias in the commission of a crime, in the application for government benefits or assistance.

If a person is denied for any reason listed in this section C.2., the person will be ineligible for assistance for one (1) year after the date of the denial letter.

D. Denial of Admission for Criminal Activity or Drug Abuse

The PHA has established standards that prohibit admission of a household to the PHA's public housing program for certain drug and criminal activities. All standards shall be applied uniformly.

1. Pursuant to 24 CFR Part 960.204 the PHA must deny admission to:

a) Persons evicted from federally assisted housing for drug-related criminal activity for three (3) years from the date of eviction; (See Definition of federally assisted housing.)

b) The three (3) year limit is based on the date of such eviction, not the date the crime was committed. If the applicant or any member of the applicant's household was evicted for distribution of drugs or possession with intent to distribute, then the applicant shall be ineligible for a five (5) year period based on the date of such eviction.

c) The PHA may admit the household if the PHA determines:

(1) The evicted household member who engaged in the drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or

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(2) The circumstances leading to the eviction no longer exists

a. The household member clearly did not participate in or know about the drug-related activity; or

b. The household member no longer participates in any drug-related activity (for example, the responsible household member has died or is imprisoned).

2. Discretion to Deny Admission for Criminal Activity (3-Year Period of Ineligibility)

If any household member is currently engaged in, or has engaged in within three (3) years before admission the following criminal activity the PHA may deny assistance, based on a preponderance of evidence, regardless of whether the household member has been arrested or convicted for such activity:

a) 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.

b) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity;

c) Other criminal activity which may threaten the health or safety of the owner, property management staff, or person performing a contract administration function or responsibility on be of the PHA (including PHA employee or a PHA contractor, subcontractor, or agent);

d) Criminal Street Gang Activity as defined in any Federal, State, or local law which substantially corresponds to this section.

e) Persons currently engaging in illegal use of drug or where the PHA determines that it has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents

(1) The PHA defines "currently engaged in" as any occurrence within the last twelve (12) months.

With respect to criminal activity, the PHA may require an applicant to exclude a household member in or to be admitted to the program if that household member has participated in or been culpable for actions described in D.2. of this section.

If an applicant is denied for any reason listed in D.2. of this section, the applicant will be ineligible for assistance for three (3) year after the date of the denial notice.

3. Discretion to Deny for Criminal Activity (5-Year Period)

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.

4. Mandatory Denial for Criminal Activity (Permanent/Lifetime Denial)

a) Persons who have ever been convicted for manufacture or production of methamphetamine on the premises of federally assisted housing; (see Definitions to determine federally assisted housing).

b) Persons subject to lifetime registration requirement under a State sex offender registration program. This check must be carried out with respect to the State in which

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the housing is located and in States where members of the applicant household are known to have resided.

5. The PHA will use criminal history reports as detailed in Chapter 8 of this policy in gathering applicant background information.
6. Pursuant to the Violence Against Women Act
   a) The PHA must and shall deny admission to any member of the household who is a perpetrator of domestic violence, dating violence, sexual assault, or stalking (VAWA crimes), but not to the victim.
   b) The PHA may deny assistance to the victim of a VAWA crime for other reasons not premised on the act of a VAWA crime.

E. Falsified or Misrepresented Information

If the PHA determines that an applicant has falsified or misrepresented family income, composition, circumstances, conduct or behavior, the PHA will, on the basis of such falsification or misrepresentation, find the applicant ineligible for admission to a PHA dwelling unit. In justifiable cases, the PHA may take such other action as deemed advisable.

F. Mitigating Circumstances

Screening applicants who claim mitigating circumstances:

1. If unfavorable information about an applicant is received, the applicant will be provided an opportunity to present mitigating circumstances. The PHA will consider the time, nature and extent of the applicant's conduct. These mitigating circumstances must be verifiable.
2. Mitigating circumstances are facts relating to the applicant's unsuitable rental history or behavior which, when verified, would indicate both: (a) the reason for the unsuitable behavior; and (b) that the reason for the unsuitable rental history or behavior no longer applies or is under control and the applicant's prospect for lease compliance is an acceptable one, justifying admission. Such mitigating circumstances would overcome or outweighs information already gathered in the screening process.
3. If the mitigating circumstances relate to change in disability or handicap, the PHA shall have the right to verify the information or to request further information which is reasonably needed to verify the mitigating circumstances, even if such information is of a medically confidential nature.
4. An applicant who is a victim of domestic violence, dating violence, sexual assault, or stalking as afforded certain protections pursuant to the Violence Against Women and Department of Justice Reauthorization Act of 2005, as amended by a bill in August 2006.
5. Protection of Victims of Domestic Violence

   Incidents of domestic violence, dating violence, sexual assault, or stalking shall not be good cause for denying victims access to or terminations from the Public Housing Program or for terminating a lease held by a victim of such violence.

   The PHA, at its discretion may request certification of the claim to be a victim of domestic violence, dating violence, sexual assault, or stalking.

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If certification is requested, the applicant must provide it within 14 business days from the date of the request (or within the time allotted by any extension by the PHA). Any of the following methods is an acceptable response by the applicant to the request:

a) Completion of the form HUD 5382: Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation.

b) Providing documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from who the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incidents in question are bona fide incidents of abuse and the victim has signed or attested to the documentation; or

c) Producing a Federal, State, tribal, territorial, or local police or court record.

At its discretion, the Authority may provide benefits to a victim of domestic violence, dating violence, sexual assault, or stalking based solely on the victim's statement or other corroborating evidence.

6. Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission.

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CHAPTER 8. Verification Requirements

A. General Requirements

The verification requirements described in this section are applicable to initial screening for eligibility, initial certification, annual reexaminations and interim reexaminations.

1. The PHA will use up-front or written third-party verification of all information whenever possible. Family-reported income will be verified via HUD's Enterprise Income Verification System for the following:
   a) Annual reexamination
   b) Interim reexamination
2. If there is a discrepancy between the family-reported income and the EIV family income report, the PHA will follow the written third-party verification hierarchy to verify the family's income.
3. At least two documented attempts to obtain Third-Party Verification shall be made before the next level of verification is used. If up-front or third-party documentation is not available, the reason must be documented in the file.
4. Verified information not subject to change (such as a person's date and place of birth) need not be re-verified.
5. Information obtained that is subject to change and for which verifications are more than 60 calendar days old, should be re-verified.
6. HUD requires that verification forms to support PHA's admission decisions be placed in the applicant's (and subsequently, the tenant's) files.
7. Information that is subject to change, such as income, assets, family composition, etc. should be verified close to certification or reexamination.
8. The income determination for any fixed source of income, even if the family member with a fixed source of income also has a non-fixed source of income shall upon admission to the program, full reexamination and redetermination, be third-party verified every three (3) years.
9. Preferences must be verified once, prior to admission.

B. Verification Hierarchy as Mandated by HUD

Information will be verified in order through the Verification Hierarchy described briefly below. Should the highest level of verification techniques not contain any employment and income information for the family, the PHA will attempt the next lower level of verification technique and move down the hierarchy until an acceptable form of verification is obtained. At least two (2) documented attempts to obtain third-party verification shall be made at each level before the next level of verification is used. (Level 6 being the 'highest' form of acceptable verification and Level 1 being the 'last resort' method of acceptable verification).

1. Upfront Income Verification (UIV) (Level 6): The highest mandatory level of third-party verification using HUD's Enterprise Income Verification (EIV) system and the Income Validation Tool (IVT).

   NOTE: NOT AVAILABLE FOR INCOME VERIFICATION OF APPLICANTS

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2. Upfront Income Verification (UIV) (Level 5): The highest (optional) level of third-party verification using non-HUD systems. Utilization of The Work Number (an automated verification system) and state government databases to validate tenant-reported income.
3. Written Third-Party Verification (Level 4): The high level of third-party verification mandated as follows:
   a) Mandatory to supplement EIV-reported income sources;
   b) Mandatory when EIV has no data;
   c) Mandatory for non-EIV reported income sources;
   d) Mandatory when tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute.
4. Written Third-Party Verification Form (Level 3): The Medium-Low level of third-party verification mandated as follows:
   a) Mandatory if third-party written verification documents are not available or rejected by the PHA;
   b) Mandatory when the applicant or tenant is unable to provide acceptable documentation
5. Oral Third-Party (Level 2): The Low level of third-party verification mandated as follows:
   a) Mandatory if written third-party verification is not available.
   b) The PHA may use telephone verifications.
6. Tenant Declaration (Level 1): The Low level of verification techniques. (Also known as Self Certification)
   a) Used as a last resort when unable to obtain any type of third-party verification.
   b) The PHA will accept a notarized sworn statement (with penalty of perjury) from the Applicant as Tenant Declaration when no other form of verification is available.

The PHA will not delay the processing of an Applicant beyond fourteen (14) calendar days because a third-party information provider does not return the verification in a timely manner.

For Applicants, income verification may not be more than 60 calendar days old at the time of a unit offer. Income verifications are valid for 60 calendar days from the date of receipt.

Regardless of these timeframes, Criminal History Reports will be useable as a valid verification for no longer than 120 calendar days.

C. PHA Use of Enterprise Income Verification (EIV) System

In accordance with 24 CFR 5.236 and administrative guidance issued by HUD, the PHA will utilize HUD's Enterprise Income Verification System, in its entirety, as a third-party source to verify tenant employment and income information during mandatory reexaminations or re-certifications of family composition and income. The PHA will not use the EIV system during interim reexaminations

The PHA shall obtain the EIV Income and IVT Reports from the EIV System for each household. As required, the PHA shall maintain the EIV Income and IVT Reports in the resident file along with the Family Report (Form HUD-50058) and all documents used to support the income and rent determinations for all mandatory annual reexaminations of family income and composition.

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If the EIV Income and IVT Reports do not contain any employment and income information for the family, the PHA shall attempt the next verification technique level and document why it moved to next lower level.

1. Use of EIV Data

   EIV Income and IVT Reports data is used by the PHA to validate tenant-reported income and supplement tenant-provided documents. Pursuant to HUD guidelines, the PHA shall use information for the sole purpose of determining eligibility and level of assistance for the public housing program.

   Upon obtaining the EIV Income and IVT Reports for the family, the PHA shall compare the EIV Income and IVT Reports information to the tenant-reported information. If no discrepancy is found, the PHA shall calculate annual income using the tenant-provided documentation.

   If there is a discrepancy between the EIV Income and IVT Reports data and the tenant-reported income, i.e., income source not reported by tenant, substantial difference ($2,400 + annually) in income reported, the PHA shall obtain additional information from the tenant and/or the third-party source, if necessary.

   The PHA shall use the most current and reliable documentation obtained to calculate annual income. EIV data shall not be used to calculate anticipated annual income (except as specified in HUD guidelines).

   NOTE: EIV is not available for income verification of applicants or new admissions.

   However, as mandated by HUD, the PHA will review the EIV Income and IVT Reports for all new admissions within 120 days of the PIC submission date (PHA submission of Family Report [form HUD-50058] to HUD) to validate the family-reported income. Any discrepancy in income shall be resolved with the family within 60 days of the EIV Income Report date.

2. Tenant Dispute of EIV Data

   When a tenant disputes the EIV Income and IVT Reports data obtained by the PHA, the PHA shall request the tenant to provide acceptable documentation to support the information in dispute. If the tenant is unable to provide any form of acceptable documentation, the PHA will request written third-party verification.

3. Dispute Reveals Incorrect EIV

   a) Employment and Wage Information

      Employment and wage information reported to EIV Income and IVT Reports originates from the employer. The employer reports this information to the local State Workforce Agency (SWA). The SWA, in turn, reports the information to the HHS' National Directory of New Hires (NDNH) database.

      If the tenant disputes the information the employer provided, it is the tenant's responsibility to contact the employer directly in writing to dispute the employment and/or wage information that the employer reported to the SWA. The tenant will be required to provide the PHA with a copy of the 'written dispute'. The 'written dispute' to the employer from the tenant should request the employer to correct the erroneous information. If employer resolution is not possible between the tenant and the employer, the tenant should contact the local State Workforce Agency for assistance.

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If provided to the PHA, the copy of the tenant's correspondence to the employer that disputes the employment and/or wage information will be maintained in the tenant file.

b) Unemployment Benefit

Unemployment benefit information reported in EIV Income and IVT Reports also originates from the local SWA and thus the tenant shall follow the same process as stated to dispute the information, if applicable. If provided to the PHA, the copy of the tenant's correspondence to the employer that disputes the unemployment benefit information will be maintained in the tenant file.

c) Social Security and Supplemental Security Income Benefit Information

Social Security (SS) and Social Supplemental (SSI) benefit information reported to EIV Income and IVT Reports originates from the Social Security Administration (SSA). If the tenant disputes the information the SSA provided, it is the tenant's responsibility to contact the SSA at (800) 772-1213 or visit the local Social Security Administration Office.

d) Debts Owed to PHA's and Termination Information

Debts owed to PHAs and termination of tenancy information reported to EIV originates from the current or a former PHA. If the tenant disputes the information provided, it is the responsibility of the tenant to contact the PHA (who reported the information) in writing to dispute the information and provide any documentation that supports the dispute.

If the PHA determines that the disputed information is, in fact, incorrect, the PHA will update or delete the record from EIV.

Former tenants may dispute debt and termination information for a period of three years from the end of participation (EOP) date in the public housing program.

e) Identity Theft

If the tenant suspects identity theft, it is the responsibility of the tenant to:

(1) Check their Social Security records;

(2) File an identity theft complaint with the local police department;

(3) File an identity theft complaint with the Federal Trade Commission; and

(4) Monitor their credit reports with the three national credit reporting agencies (Equifax, TransUnion, and Experian).

The tenant will be required to provide the PHA with written documentation of the filed identity theft complaint.

f) Disclosure of EIV Income and IVT Reports Information

The Federal Privacy Act (5 USC §552a, as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. As such, the PHA will not share, will not provide a copy, and will not display the EIV Income and IVT Reports data of an adult household member with another adult household member, unless the individual identified in the EIV Income and IVT Reports data has provided written consent to disclose such information.

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However, the PHA can elect to discuss with and show the head of household how the household's income and rent were determined based on the total family income reported to and verified by the PHA.

EIV Income and IVT Reports information and any other information obtained by the PHA for the purpose of determining eligibility for the program may not and will not be disclosed to third parties for any reason, unless the tenant has authorized such disclosure in writing.

g) Income Discrepancy Resolution

In accordance with 24 CFR 5.236 the PHA will exercise the following in an attempt to resolve the discrepancy:

(1) Discuss the income discrepancy with the tenant;

(2) Request the tenant to provide documentation to confirm or dispute the unreported or underreported income;

(3) If the tenant is unable to provide acceptable documentation, the PHA shall request third-party verification directly from the source.

If the additional documentation confirms that the family failed to report complete and accurate income information, the PHA will redetermine the tenant rent contribution retroactively as mandated by regulation. The family is required to repay the PHA for any retroactive amount owed due to the family's underreporting or failure to report income.

The tenant is required to pay the retroactive amount in full or enter into a repayment agreement with the PHA. If the tenant refuses to enter into a repayment agreement, the PHA shall terminate the family's assistance as required by regulation.

Amnesty programs are not permissible. A family terminated from the assistance program may not receive future rental assistance until the debt is repaid to the PHA.

D. Information to Be Verified

1. The PHA is required to verify information that is used to determine the family's eligibility and program compliance. The information to be verified includes, but is not limited to, the following:

a) Claims by an applicant or program participant that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking and that the incident in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the Violence Against Women Act. Such verification/certification shall include the name of the perpetrator.

Self-certification will be accepted via the approved certification form (HUD-91066) that the individual presenting it is a victim of domestic violence, dating violence, sexual assault, or stalking and the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the Violence Against Women Act. Such certification shall include the name of the perpetrator.

The individual shall provide such certification within fourteen (14) business days after the owner, manager, or PHA requested such certification. If the individual does not provide such certification within fourteen (14) business days after requested,

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admissions to the housing assistance program may be denied or the housing assistance may be terminated.

b) Zero and/or sporadic income status of household. Zero and/or sporadic income applicants and participant will be required to complete a family expense form at each certification or recertification. The PHA will conduct a recertification annually for zero and/or sporadic income households.

c) Full time student status including High School students who are eighteen (18) years of age or older;

d) Current assets including assets disposed of for less than fair market value in the preceding two years;

e) Childcare expenses when it allows an adult family member to be employed; look for work, or further his/her education;

f) Total medical expenses of all family members in households whose head, spouse, or co-head is elderly or disabled;

g) Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus that allow any adult family member, including the person with the disability, to be employed;

h) Legal identity;

i) U.S. citizenship/eligible immigration status;

j) Social Security Numbers for all members in the household;

k) Familial/Marital status when needed for head, spouse, or co-head definition;

l) Disability for determination of allowances, deductions or requests for accommodation including need for a live-in aide;

m) Time spent seeking employment when childcare is claimed for the activity; and

n) Preferences applicable to placement on and selection from the waiting list based on the selection preferences adopted by the PHA.

o) All sources of income.

E. Release of Information

As a condition of admission to, or continued occupancy of, any assisted unit, the PHA will require the family head and such other family members eighteen (18) years of age and older to execute a HUD-approved release and consent form authorizing any depository or private source of income, or any Federal, state or local agency, to furnish or to release to the PHA and to HUD such information as the PHA or HUD determines to be necessary. This includes a consent form for release of criminal/sex offender status information signed by each adult household member. The PHA will furnish applicants and participants a Release of Information/Privacy Act Notice [HUD-9886-A] when collecting information to verify income. Refusal to cooperate with the HUD prescribed verification process as outlined in this Plan and HUD regulations will result in denial of admission or termination of tenancy.

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F. Authority to Obtain Criminal History Records

The PHA is authorized by 24 CFR part 5, subpart J to obtain criminal conviction records from a law enforcement agency and to use those records to screen applicants for admission to covered housing programs.

24 CFR part 5, subpart J, §5.905 states that a PHA that administers a Public Housing program must carry out background checks necessary to determine whether a member of a household applying for admission to any federally-assisted housing program is subject to a lifetime sex offender registration requirement under a State Sex Offender Registration program.

G. Permitted Use and Disclosure

1. The use and disclosure of criminal records/sex offender registration records received by the PHA may only be used for applicant screening and/or for termination of assistance. The PHA may disclose criminal conviction records as follows:

   To officers or employees of the PHA, or to authorized representatives of the PHA who have a job-related need to have access to the information. For example, if the PHA is seeking to terminate assistance to a Public Housing participant on the basis of criminal activity/sex offender status as shown in criminal conviction records, the records may be disclosed to PHA employees performing functions related to the termination, or to the PHA hearing officer conducting an administrative grievance hearing concerning the proposed termination.

2. If the PHA obtains criminal records from a State or local agency showing that a household member has been convicted of a crime relevant to applicant screening or tenant lease enforcement or termination of assistance, the PHA must:

   a) Notify the household of the proposed action based on the information obtained; and

   b) Provide the subject of the record and the applicant/participant a copy of such information and an opportunity to dispute the accuracy and relevance of the information.

   Note: This opportunity must be provided before a denial of admission, lease enforcement action or termination of assistance on the basis of such information.

3. Penalties for the improper release of information.

   a) Criminal Penalty: Conviction for a misdemeanor and imposition of a penalty of not more than $5,000 is the potential for:

      (1) Any person, including an officer, employee, or authorized representative of a PHA who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of the PHA under false pretenses; and

      (2) Any person, including an officer, employee, or authorized representative of a PHA who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive the information.

   b) A PHA may be liable under civil law to any applicant for, or participant of the PHA who is affected by either of the following:

      (1) A negligent or knowing disclosure of criminal records information obtained under statutory authority about such person by an officer, employee, or authorized

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representative of a PHA if the disclosure is not authorized under the statute or regulations; or

(2) An applicant for or assisted participant of the PHA may seek relief against the PHA for inappropriate disclosure by bringing a civil action for damages and such other relief as may be appropriate. The United States district court in which the applicant or participant resides, in which the unauthorized action occurred, or in which the officer, employee, or representative of a PHA alleged to be responsible resides, has jurisdiction. Appropriate relief may include reasonable attorney's fees and other litigation costs.

H. Receipt of Information from Law Enforcement Agencies

When the law enforcement agency/state registration entity receives the PHA's request, the agency must promptly release to the PHA a certified copy of criminal conviction records concerning the household member they have in their possession or under their control. National Crime Information Center (NCIC) records must be provided in accordance with NCIC procedures.

The law enforcement agency may charge a reasonable fee for this service, but any fee charged by the agency for this service may not be passed on to the applicant.

I. Denial Based on Consumer Reporting Agency Criminal Reports

1. When the PHA obtains the criminal background report from a consumer reporting agency (CRA), provisions of the Fair Credit Reporting Act apply.
2. If a PHA denies/terminates assistance based in part on a report obtained from a CRA, the notice must include:
   a) Name, address and telephone number of the CRA
   b) A statement that the CRA did not make the decision to deny/terminate
   c) Notice of the right to obtain a free copy of the report and dispute any information in the report

J. Records Management

1. The PHA has established and implemented a system of records management that ensures that records received from a law enforcement agency are:
   a) Maintained confidentially;
   b) Not misused or improperly disseminated;
   c) Destroyed once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.
2. All information provided to an owner, manager, or PHA pursuant to VAWA, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence by an owner, manager, or PHA, and shall neither be entered into any shared database nor be provided to any related entity, except to the extent that disclosure is requested or consented to in writing by the individual; required for use in an eviction proceeding of an abuser, stalker or perpetrator of domestic violence; or is otherwise required by applicable law.

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3. The records management requirements do not apply to sex offender registration information that is public information or is obtained by the PHA other than from a State or local agency responsible for the collection or maintenance of such information.

K. Verifications through Drug Treatment Centers

The PHA does not request verification information directly from Drug Treatment Centers.

L. Verification of Income

1. All Income will be verified.
2. Gross Employment Income of all Household Members;
3. Social Security, Pensions, SSI and Disability Income;
4. Unemployment Compensation;
5. Welfare Payments or General Assistance;
6. Alimony or Child Support, Monetary or Not;
7. Net Income from a Business, Including Childcare and Home Sales;
8. Recurring Monetary Contributions and Gifts;
9. Zero and/or Sporadic Income Status; or
10. Full-Time Student Status;

M. Verification of Fully Excluded Income

1. When an income is fully excluded, the PHA is **not** required to:
   a) Verify the income in accordance with the HUD-prescribed verification hierarchy;
   b) Document in the tenant file why third-party verification was not available; and
   c) Report the income in Section 7 of the form HUD-50058.
2. The PHA may accept an applicant or participant's self-certification as verification of fully excluded income. The PHA's application and reexamination documentation, which is signed by all adult family members, may serve as the self-certification of the fully excluded income.
3. The PHA may elevate the verification requirements, on a case by case basis, to determine if a source of income qualifies for a full exclusion.
4. Examples of common fully excluded income categories that are verifiable through applicant or participant self-certification are:
   a) Supplemental Nutrition Assistance Program (SNAP) benefits, formerly known as food stamps.
   b) Income from a live-in aide.

N. Verification of Partially Excluded Income

1. Income that is partially excluded means that only a certain portion of the income reported by the family qualifies to be excluded, while the remainder must be included when determining the family's annual income.

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2. For partially excluded income, PHAs are required to:
   a) Comply with HUD-prescribed verification requirements and all applicable regulations pertaining to the determination of annual income; and
   b) Report the income in Section 7 of the form HUD-50058.
3. Examples of partially excluded income that are subject to regular verification requirements include:
   a) Income subject to the 50% phase-in period of the Earned Income Disallowance
   b) Earnings in excess of $480 for full-time students 18 years old or older
4. To determine the amount of earnings to include in the calculation of the family's annual income, the PHA must verify the amount of employment income for these family members.

O. Assets and Income from Assets

Family members with assets are required to report all assets annually. The amount of interest earned on the assets will be included in the annual income used to calculate the Tenant rent. Where the family has net family assets in excess of $50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers), the PHA will use actual income received from the asset(s). When actual returns from a given asset cannot be calculated, imputed returns on the asset, based on the current passbook savings rate, will be used. Actual returns and imputed returns can be added together when some assets can be determined and some cannot.

All assets to which any household member has access and income from assets will be verified. This may include but is not be limited to the following:

1. Checking Accounts
2. Current Savings Accounts and Certificates of Deposit of all household members;
3. Property Owned or Financed by Household Members;
4. Cash Value of Life Insurance Policies;
5. Retirement/Pension Funds; or
6. Assets Disposed of for Less than Fair Market Value in previous 24 months.

P. Self-certification of Assets

The PHA will obtain third-party verification of all family assets upon admitting a family to the Public Housing Program, and again at least every three (3) years thereafter.

The PHA will accept the family's declaration that the family (including minor family members) has total net assets equal to or less than $50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and the total amount of income expected from all assets to be less than or equal to $50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) at the family's next interim or annual reexamination. Adult family members 18 years old or older must sign the family's declaration of total assets. The PHA's interim or annual reexamination documentation, which is signed

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by all adult family members, can serve as the declaration. The family's declaration of total assets must:

a) Show each asset, and

b) The amount of income expected from each asset.

Where the family has net family assets equal to or less than $50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers), the PHA will not request supporting documentation (e.g. bank statements) from the family to confirm the assets or the amount of income expected to be received from those assets. Where the family has net family assets in excess of $50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers), the PHA must obtain supporting documentation (e.g. bank statements) from the family to confirm the assets. All assets will continue to be reported on HUD-50058.

The PHA will obtain third-party verification of assets for new additions to the family. At the next annual reexamination of income following the addition of the new family member, the PHA will obtain third-party verification of all family assets if the addition of the new family member's assets puts the family above the asset threshold. If the addition of the new family member's assets does not put the family above the asset threshold, the PHA will not obtain third-party verification of all family assets at the next annual reexamination of income following the addition of the family member; however, the PHA will obtain third-party verification of all family assets at least every 3 years.

If the PHA has adopted a previous self-certification of assets provision, the PHA will obtain third-party verification of all family assets at the family's next income reexamination.

Q. Verification of Deductions from Income

1. Childcare Expenses

   The PHA will verify:

   a) Eligibility for Childcare Expenses;

   b) Reasonable Cost for Childcare;

   c) A childcare expense deduction is allowed when a family member requires childcare to:

      (1) Further his/her education, or

      (2) Actively seek employment, or

      (3) Be employed

   Verification of childcare expenses must validate the requirements of the childcare deduction found in Chapter 9. G. 5 of this policy

2. Medical and Handicapped Assistance Expense

   a) Appendix K will be used as guidance where questions arise as to an item's eligibility.

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b) Where an expense item can be treated as either a medical or a disability assistance expense the PHA will calculate the expenses both ways and give the family the greater deduction.

c) The PHA will advise all families at each certification/recertification that they may report any one-time non-recurring medical or disability expense cost and request an interim recertification.

d) Families who claim medical expenses or expenses to assist a person with disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. Reimbursement of medical expenses must be reported on form HUD-50058.

e) All expense claims will be verified by one or more of the methods listed below:

(1) Written third party verification by a doctor, hospital or clinic personnel, dentist, pharmacist, concerning anticipated medical costs to be incurred by the family and regular payments due on medical bills; and extent to which those expenses will be reimbursed by insurance or a government agency.

(2) Written third party confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

(3) Written third party confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next twelve (12) months. A computer printout will be accepted.

3. Disability Assistance Expense Deduction

a) Families are entitled to deduction for un-reimbursed expenses for care attendants and auxiliary apparatus expenses for a member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including member disabled) to work.

b) The allowable disability assistance expense is that portion that exceeds three percent of annual income.

c) This deduction may not exceed the earned income received by family members who are eighteen (18) or over, and who are able to work because of such attendant care or auxiliary apparatus.

d) The PHA will verify:

(1) The disability;

(2) The un-reimbursed expenses for care or apparatus;

(3) Whether the expense is directly related to enabling employment; and

(4) Income earned due to the care or apparatus.

R. Verifying Non-Financial Factors

Non-financial factors that must be verified include, but are not limited to:

1. Legal Identity;
2. Marital Status;
3. Familial Relationships;

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4. Permanent Absence of Adult Member;
5. Change in Family Composition;
6. Disability;
7. Funds Owed the PHA or Other Housing Authorities;
8. Social Security Numbers

   The PHA will require the applicant to provide Social Security Numbers for all household members or certify that no Social Security Number has been issued; or
9. Citizenship and Non-Eligible Immigration Status.

S. Verification of Local Preference

Verification of family/individual preferences shall be conducted at the time of selection from the waiting list. At the time of application, the preference claimed by the family is used to place them on the waiting list.

A family's preference status may change, thus voiding the original preference claimed. In that case, the family's placement on the waiting list may require adjustment based on their circumstances.

Similarly, a family originally having no preference status at the time of application may gain a preference while waiting that would change their placement on the waiting list.

The following methods may be used based upon the PHA's preference policies:

Preferences	Acceptable Forms of Verification
Elderly/Disabled – Elderly preference is available when the head or spouse/significant other is aged 62 or older. Disabled preference is available when the applicant's household will contain one or more members who are considered disabled as defined in PHA's Housing Policy.	Documentation that will establish age such as picture I.D. for elderly preference. Documentation that will establish disability status preference such as written verification of SSI benefits, documentation from medical or social service professionals, social worker or relevant agency, etc., for disability preference.
Employment – Any adult family members must be working at least 20 hours per week. An applicant will be given the benefit of the working (employment) preference if the head and spouse, or sole member is elderly (62+) or is a person with disabilities. In households containing elderly or disabled adults who are not the head, spouse, or sole member, at least one adult family	The "Employer Verification Form" supplied by the PHA and verified by the employer, or most recent pay stubs supplied by the applicant.

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Preferences	Acceptable Forms of Verification
member must be working or a full-time student.	
Homelessness/Victim of Domestic Violence	Resident verification from a public or private facility that provides shelter for homeless individuals, a shelter manager, or a third-party written verification from relevant social service agency social worker, private facility, local police department, etc. certifying the applicant's homeless status. HUD-5382-Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternative Documentation.
McCracken County Resident (Living or working in McCracken County)	Documentation that will establish residency such as, a picture ID with current address, utility bills in the name of the family, verification from schools where children are enrolled, rental or lease agreements, landlord statements or public social services verifications.
School/Education/Job Training – Applicants with an adult family member who is enrolled in college/vocational school (minimum of 6 or more credit hours per semester), or enrolled in an employment training program, adult continuing education program (e.g., JOBS, JTPA, GED, etc.)	A student schedule showing total credit hours or a letter from the educational institution on its letterhead, stating total number of credit hours. Adult continuing, or other job training programs: A certification from the relevant agency on its letterhead stating the program participating in.
Veterans of the Armed Forces	DD214 form, a U. S. Uniform Services I.D., or Veteran Designation on a valid driver's license.
Victim of Natural Disaster, local disaster or house fire who were or were not, prior to the disaster, receiving assistance from public housing or a housing choice voucher program	Original or signed copies of FEMA and/or American Red Cross vouchers, and proof of residence for affected property, such as a photo ID showing an address in the affected area. Verification of housing program participation checked via the internet through PIC (Public and Indian Housing Information Center) for previous participants.

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CHAPTER 9. Determination of Income and Rent Calculation

The PHA will not devise or implement income or rent determination, verification, or other related policies or procedures in a way that discriminates against persons on the basis of race color, national origin, sex, religion, familial status, and perceived or actual disability.

A. Annual Income

Annual income is used to determine whether the family is within the Income Limits applicable to the PHA's jurisdiction. Annual income is the anticipated amounts, monetary or not, that go to, or on behalf of, the family (including temporarily absent head, spouse or co-head), and are received from a source outside the family" within the twelve (12) months following certification.

1. Annual Income Includes, with respect to the family;
    a. All income that is not specifically excluded by HUD regulation, received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and
    b. When the value of net family assets exceeds $50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate.
2. Adjusted income is the annual income minus HUD mandated deductions.
3. Both annual and adjusted incomes are used to calculate the amount of rent. In calculating annual and adjusted income, the PHA must include the income of every member of the household, including those who are temporarily absent. Income of persons who are permanently absent from the household will not be counted.

B. Income Inclusions

1. Temporarily and Permanently Absent

    HUD regulations specify that the income of family members who are "temporarily absent" from the household is to be included in total family income. The PHA has determined that "temporarily absent" is defined as an absence for up to one-hundred eighty (180) days. An exception to the inclusion of that income is extended to members of the military and temporarily absent may exceed one year. Military absence can be confirmed with call-up orders. Other absences will be confirmed based on the circumstances of the absence.

    Families must report in writing to the PHA any absence of the entire household from the unit of more than ninety (90) consecutive days, consistent with the lease provisions. Families must report any family members who have been or are expected to be absent from the household for more than fifteen (15) days. Any changes in family composition must be reported to the PHA within ten (10) days. Families will be counseled at briefing sessions and re-certification on the effect family composition may have in determining unit size and Total Tenant Payment as well as the PHA's policies for dealing with such changes. At times, situations may arise that result in the temporary or permanent absence of a family member or members from the household. Such situations will be handled in the following manner:

    a) Absence of children for foster care

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In instances in which the children have been removed from the home by a social service agency, the agency will be contacted to determine the approximate length of time the children are expected to be away from the home.

(1) If the agency indicates that the children are expected to return to the home at some point during the next twelve (12) months, the children will remain a part of the family composition and will be counted in determining the family's unit size.

(2) If the children are not ever expected to be returned to the home, the children will be removed from the family composition and the family's unit size may be reduced accordingly.

(3) If the agency indicates that it is unknown whether the children will be returned to the home, the children will remain a part of the family composition.

Oral conversations with the social service agency must be thoroughly documented in the family file, including the date of contact, name and title of contact person, name of agency, and telephone number and the details of the conversation.

b) Absence of single parent; use of caretaker adult

When a single parent leaves the household for an extended period as a result of imprisonment, hospitalization, military service, etc., and another adult approved by the PHA moves into the home to care for the children, the rental assistance will not be terminated. The family composition will be modified to include the name of the caretaker as head of household. The caretaker's income will not be included in the family income. The single parent's name shall be temporarily removed, and the file documented to explain the circumstances. When the parent returns to the unit, the caretaker may leave or remain in the household. If the caretaker remains, his/her income will be included in the calculation of family income.

c) Absence of head of household, spouse or co-head due to military service or school

If the head of household, spouse or co-head is absent from the home to serve in the military or attend school, the individual will be considered temporarily absent and the income will be included in the calculation of family income. However, income received as a result of special hazardous duty pay when exposed to hostile fire will not be included.

d) Absence of other family member due to military service or school

If a family member other than the head of household, spouse or co-head is absent from the home to serve in the military or attend school, the family has the option of considering the person permanently absent (income not counted; not on lease) or temporarily absent (income counted; on lease). Income received as a result of imminent danger pay when exposed to hostile fire will not be included.

e) Absence due to hospitalization of sole member

When the family consists of only one member and that person leaves the home to go into a hospital or nursing home for a period of more than six (6) months, the assistance will be terminated. If a responsible medical professional verifies prior to the expiration that the confinement will be permanent, the PHA will terminate the assistance.

If a medical source documents that a family member who is residing in a nursing facility or hospital is expected to return to the unit in 180 days or less, the person shall be considered temporarily absent. If the person does not return to live in the unit within 180 days, the individual will be considered permanently absent.

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f) Absence of All Household Members

If all members of the household are absent for ninety (90) consecutive days, but have not moved from the unit, assistance will be terminated. In order to determine if the family is absent from the unit, the PHA may write letters to the family at the unit, telephone the family at the unit, interview neighbors, and/or verify if utilities are in service. In cases in which the family has moved from the unit, assistance will be terminated in accordance with the PHA's termination and eviction policies.

g) Adult visitors

An adult may visit a unit for no more than fourteen (14) cumulative days per year. Exceptions may be granted by the PHA if the visitor is providing care for a household member with a long-term illness. Adults exceeding this limit must be approved by the PHA before being considered a family member and added to the lease. Addition of such person may not be approved if they cannot be accommodated within the existing occupancy limits for the unit.

h) Child visitors

Children under the age of eighteen (18) may visit a unit for a maximum of ninety (90) accumulative days per year without being considered part of the family, provided the family has the written permission of the PHA.

i) Joint Custody of Children

Children who are subject to a joint custody agreement but live in the unit at least fifty-one percent (51%) of the time will be considered members of the household. The PHA defines 51% of the year as 186 days. If the family includes a child who is temporarily absent from the home due to foster care, the standards in paragraph "a" above will be used.

2. Earned Income

Earnings anticipated to be received in the twelve (12) months following the effective date of the certification will be annualized. To annualize income, the PHA will multiply:

a) Hourly income by the number of hours worked in a year;

b) Weekly income by 52 weeks, unless it is verified that less weeks will be worked;

c) Bi-weekly income by 26 pay-periods;

d) Semi-monthly by 24 pay-periods; and

e) Monthly by 12 pay-periods.

Where income is fluctuates as to hours or rates, such as for teachers, construction workers, farmers or migrant workers, the PHA will use an average for twelve (12) months based on past income history of the family and such anticipated income that can be verified.

3. Income from Assets

a) Assets Valued Under $50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers)

When assets owned by any family member (including minors) have a combined cash value of less than $50,000 (which amount HUD will adjust annually in accordance with

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the Consumer Price Index for Urban Wage Earners and Clerical Workers), actual income received from the asset(s) is counted as income. (For example, checking and savings accounts.) In determining the value of checking accounts, the PHA will use the lesser of the current balance or the average daily balance of the account for the most recent past three (3) months. Anticipated interest will be determined by multiplying the value of the checking account by the annual interest rate.

b) Assets Valued Over $50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers)

When assets owned by any family member (including minors) have a combined cash value of more than $50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers), the PHA will use actual income received from the asset(s). When actual returns from a given asset cannot be calculated, imputed returns on the asset, based on the current passbook savins rate will be used. Actual returns and imputed returns can be added together when some assets can be determined and some cannot.

c) Assets Disposed of for Less than Fair Market Value

The PHA will count as an asset the difference between the market value and the actual amount received for assets disposed of for less than market value for two (2) years from date of disposition.

d) Asset Calculations may change as a result of further HOTMA implementation. HAP will follow HUD regulations, even if it differs from this policy as additional HOTMA provisions are enforced.

Averaging Income

There are two ways to calculate income when the income cannot reasonably be anticipated for a full year:

1. Annualize current income (and subsequently conduct an interim reexamination if income changes); or
2. Average known sources of variable income to estimate an annual income (no interim adjustment is required if income remains as predicted).

Income from the previous year may be analyzed to determine the amount of anticipated income when future income cannot be clearly verified. If, by averaging, a reasonable estimate can be made, that estimate will be used to anticipate annual income over the next twelve (12) months, instead of changing the rent every month as the income fluctuates.

C. Federally Mandated Income Exclusions

Some amounts are prohibited from being included in a family's income for rent determination purposes. These amounts, called exclusions, are not part of Annual Income. See Section VIII: Verifications for verification and reporting requirements related to Fully Excluded and Partially Excluded Income. The federally mandated exclusions are as follows and will be applied to all transactions with an effective date on or after July 1, 2025 (until such date, the prior income exclusions will be used):

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1. Any imputed return on an asset when net family assets total $50,000 or less (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and no actual income from the net family assets can be determined.
2. The following types of trust distributions:
    i. For an irrevocable trust or a revocable trust outside the control of the family or household excluded from the definition of net family assets under 24 CFR 5.603(b):
        1. Distributions of the principal or corpus of the trust; and
        2. Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.
    ii. For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.
3. Earned income of children under 18 years of age.
4. Payments received for the care of foster children or foster adults, or State or Tribal kinship or guardianship care payments.
5. Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation.
6. Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member.
7. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled.
8. Income of a live-in aide, foster child, or foster adult as defined in 24 CFR 5.403 and 5.603, respectively.
9. Student Financial Assistance (as described below)
    i. Any assistance that section 479B of the Higher Education Act of 1965, as amended (20 U.S.C. 1087uu), requires be excluded from a family's income; and
    ii. Student financial assistance for tuition, books, and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and other fees required and charged to a student by an institution of higher education (as defined under Section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.
        A. Student financial assistance, for purposes of this paragraph (9)(ii), means a grant or scholarship received from—
            1. The Federal government;
            2. A State, Tribe, or local government;

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3. A private foundation registered as a nonprofit under 26 U.S.C. 501(c)(3);
4. A business entity (such as corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or
5. An institution of higher education.

B. Student financial assistance , for the purposes of this paragraph (9)(ii), does not include—

1. Any assistance that is excluded pursuant to paragraph (b)(9)(i) of this section;
2. Financial support provided to the student in the form of a fee for services performed (*e.g.,* a work study or teaching fellowship that is not excluded pursuant to paragraph (b)(9)(i) of this section);
3. Gifts, including gifts from family or friends; or
4. Any amount of the scholarship or grant that, either by itself or in combination with assistance excluded under this paragraph or paragraph (b)(9)(i), exceeds the actual covered costs of the student. The actual covered costs of the student are the actual costs of tuition, books and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, or other fees required and charged to a student by the education institution, and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit. This calculation is described further in paragraph (b)(9)(ii)(E) of this section.

C. Student financial assistance, for purposes of this paragraph (b)(9)(ii) must be:

1. Expressly for tuition, books, room and board, or other fees required and charged to a student by the education institution;
2. Expressly to assist a student with the costs of higher education; or
3. Expressly to assist a student who is not the head of household or spouse with the reasonable and actual costs of housing while attending the education institution and not residing in an assisted unit.

D. Student financial assistance, for purposes of this paragraph (b)(9)(ii), may be paid directly to the student or to the educational institution on the student's behalf. Student financial assistance paid

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to the student must be verified by the responsible entity as student financial assistance consistent with this paragraph (b)(9)(ii).

E. When the student is also receiving assistance excluded under paragraph (b)(9)(i) of this section, the amount of student financial assistance under this paragraph (b)(9)(ii) is determined as follows:

1. If the amount of assistance excluded under paragraph (b)(9)(i) of this section is equal to or exceeds the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section, none of the assistance described in this paragraph (b)(9)(ii) of this section is considered student financial assistance excluded from income under this paragraph (b)(9)(ii)(E).

2. If the amount of assistance excluded under paragraph (b)(9)(i) of this section is less than the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section, the amount of assistance described in paragraph (b)(9)(ii) of this section that is considered student financial assistance excluded under this paragraph is the lower of:

   i. the total amount of student financial assistance received under this paragraph (b)(9)(ii) of this section, or

   ii. the amount by which the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section exceeds the assistance excluded under paragraph (b)(9)(i) of this section.

10. Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, “baby bond” accounts created, authorized, or funded by Federal, State, or local government.

11. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

12.

   i. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

   ii. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (*e.g.,* special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

   iii. Amounts received under a resident service stipend not to exceed $200 per month. A resident service stipend is a modest amount received by a resident for

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performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development.

iv. Incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in qualifying Federal, State, Tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program unless those amounts are excluded under paragraph (b)(9)(i) of this section.

13. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
14. Earned income of dependent full-time students in excess of the amount of the deduction for a dependent in 24 CFR 5.611.
15. Adoption assistance payments for a child in excess of the amount of the deduction for a dependent in 24 CFR 5.611.
16. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.
17. Payments related to aid and attendance under 38 U.S.C. 1521 to veterans in need of regular aid and attendance.
18. 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.
19. Payments made by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit.
20. Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (*e.g.,* proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car).
21. Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law.
22. Amounts that HUD is required by Federal statute to exclude from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in paragraph

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(b) of this section apply. HUD will publish a notice in the Federal Register to identify the benefits that qualify for this exclusion. Updates will be published when necessary.

23. Replacement housing "gap" payments made in accordance with 49 CFR part 24 that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another Federally subsidized housing unit. Such replacement housing "gap" payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing "gap" payments.
24. Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. Nonrecurring income includes:
    i. Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment.
    ii. Direct Federal or State payments intended for economic stimulus or recovery.
    iii. Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received.
    iv. Amounts directly received by the family as a result of Federal refundable tax credits and Federal tax refunds at the time they are received.
    v. Gifts for holidays, birthdays, or other significant life events or milestones (*e.g.,* wedding gifts, baby showers, anniversaries).
    vi. Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.
    vii. Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.
25. Civil rights settlements or judgments, including settlements or judgments for back pay.
26. Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family.
27. Income earned on amounts placed in a family's Family Self Sufficiency Account.
28. Gross income a family member receives through self-employment or operation of a business; except that the following shall be considered income to a family member:
    i. 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 assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations; and
    ii. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

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D. Earned Income Disallowance Self-Sufficiency Incentive (EID)

This disallowance of an increase in earned income only applies to families currently residing in public housing. A family cannot qualify for the EID at the time of admission. In order to qualify, the family is one:

1. Whose annual income increases as a result of employment of an adult family member who was previously unemployed for one or more years prior to the employment;

   Previously unemployed includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage. The established minimum wage means the federal minimum wage unless there is a higher state or local minimum wage.

2. Whose annual income increases as a result of increased earnings by an adult family member during participation in any economic self-sufficiency or other job training program; or

3. Whose annual income increases, as a result of new employment or increased earnings of an adult family member, during or within six (6) months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act. The TANF program includes formula-driven maintenance assistance and such benefits and services as one-time payments; wage subsidies and transportation assistance-provided that the total amount over a six (6)-month period is at least $500.

   Note: Receipt of Food Stamps and/or Medicaid is not part of the TANF program. If no TANF assistance is provided as listed above, the family will not qualify for the earned income disallowance under TANF provisions but may qualify under the remaining criteria. The PHA will verify receipt of benefit or services other than monthly maintenance with the TANF provider if the family indicates that their eligibility for the earned income disallowance is based on other assistance under TANF.

4. Maximum 24-Month Disallowance

   The disallowance of increased earned income of an individual family member is limited to a lifetime 24-month period. It applies to a maximum of 12 months for disallowance of 100% and a maximum of 12 months for disallowance of 50% during the 24-month period starting from the initial exclusion. At the end of the 24-months, EID ends regardless of how many months were “used.”

5. Disallowance of Increased in Annual Income

   <u>Initial 12-month exclusion</u>: During the 12-month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.

   <u>Phase-in of rent increase</u>: Upon the expiration of the 12-month period the PHA must exclude from the annual income of a qualified family at least 50 percent (50%) of any increase in income of such family member as a result of employment over the family member's baseline income.

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6. Effect of HOTMA Changes on Currently Participating Families

   A family cannot qualify for EID after January 1, 2024. Families currently on EID will remain on EID until their 24-month period has expired.

E. Assets

Family members with assets are required to report all assets annually. The PHA will determine the net cash value of each asset by deducting reasonable costs that would be incurred to convert the asset to cash from the market or face value of the asset.

Reasonable costs include but are not limited to: penalties for early withdrawal of funds from CD's, Money Market accounts, IRAs, annuities, etc.; the cost basis plus commissions and fees for stocks, bonds and other capital investments; appraisal fees, realtor commissions, closing costs, repair costs, if applicable, for real property: penalty fees for early withdrawal of IRA's, pensions and annuities.

If assets are held jointly in an "and" or an "or" account, the full value of the asset less any reasonable costs will be counted unless the family member can demonstrate that their access to the account is legally restricted. The PHA must be able to verify the restriction.

Necessary items of personal property are not counted as assets. These include but are not limited to; clothing; furniture, personal automobiles, computers and related equipment for personal but not business use.

Assets include but are not limited to trusts (only if a family member has access or control of the trust), joint accounts, investments, CDs, IRAs, Keogh, real or personal property or other annuities to which the family member has access even if penalties would be imposed for early withdrawal.

In determining the net cash value of assets, the PHA will treat assets as follows:

1. Trusts

   Principal from a trust is not counted as an asset if the trust is not revocable by, or under the control of, any member of the family, so long as the fund continues to be held in trust. The distributions are considered to be part of annual income. A lump sum distribution in total or in part will be added to all other income and divided by twelve (12) to obtain the gross monthly income. Verification of trust provisions should be contained in the original trust documents. If the documents cannot be obtained, verification should be obtained from the trustee (individual or financial institution).

   If a family sets up an irrevocable trust for the benefit of another person outside of the household, the PHA must determine whether or not the value of the trust is less than the fair market value of the assets contained therein had the family retained the asset. If that is the case, the fair market value less reasonable costs must be determined, and the net value of the asset included in total assets. Any income the family receives from this trust will be included in annual income. Nominal amounts set aside in trust for or donated to charitable organizations up to $1000.00 will not be considered assets disposed of for less than fair market value.

2. Joint Ownership

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For joint ownership of assets, the PHA must determine the percentage of ownership attributable to the family member. Documents that may provide this information include deeds, tax returns, ownership papers, and financial institution records. These types of documents should, if applicable to the asset, describe whether the family member has full or restricted access to the asset. If restricted, the PHA will use only that portion of the asset available to the family member.

3. Investments

   The PHA will use the balance from the most recent statement or report and subtract all costs for converting the investment to cash in order to determine the cash value of investments. Income from investment accounts will be based on the rate of return. Whenever the PHA cannot determine an anticipated rate of return, use the earnings shown on the most recent statement or report as the basis for calculation.

4. Retirement Benefits (CDs, IRAs, Keogh)

   Retirement/pension accounts, while the household member is employed, are counted as assets only if there is access to cash from the account while employed. Similarly, if funds are held in the account with the principal restricted from access, only distributions from the fund are counted as income.

5. Checking and Savings Accounts

   Checking and savings accounts are also considered as assets. The total amount in savings will be considered an asset unless the account is specifically designated under a plan for self-sufficiency for a person with a disability under Social Security Administration guidelines. Checking accounts are also assets under HUD guidelines; however, since most checking accounts are used primarily as a pass-through for receipt of income and payment of monthly household expenses, only the amount in the checking account in excess of $5,000.00 will be considered to be an asset. In determining the value of the checking and/or savings account, the PHA will use the average balances of the last two (2) consecutive month bank statements verified/generated by a third-party source dated within 60 days preceding the reexamination or PHA request date.

6. Annuities

   Annuities may provide for either fixed or variable payment. For variable payments, the PHA will evaluate historical information to determine the approximate anticipated payment amount for the next twelve (12) month period. This annualized income may be adjusted based on significant changes from the anticipated income. The holder of an annuity may withdraw the funds at any time before maturity but will pay a penalty for early withdrawal. Verification of the penalty amount may be obtained from the company holding the annuity and should be deducted from the total distribution before determining asset or income amounts. Monthly or periodic regular annuity payments are counted, as income while the principal of the annuity remains an asset until fully liquidated. Verification of any annuity expenses will be obtained from the annuity provider.

7. Net Cash Value of Assets Disposed of for Less than Fair Market Value for 2 Years from Date of Disposition

   Reasonable costs include but are not limited to: penalties for early withdrawal of funds from CD's, Money Market accounts, IRAs, annuities, etc.; the cost basis plus commissions and fees for stocks, bonds and other capital investments; appraisal fees, realtor commissions, closing costs, repair costs, if applicable, for real property: penalty fees for early withdrawal of IRA's, pensions and annuities.

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If assets are held jointly in an “and” or an “or” account, the full value of the asset less any reasonable costs will be counted unless the family member can demonstrate that their access to the account is legally restricted. The PHA must be able to verify the restriction.

Not counted, as assets are necessary items of personal property. These include but are not limited to; clothing; furniture, personal automobiles, computers and related equipment for personal but not business use.

8. Lump Sum Additions

   Lump sum additions such as inheritances, insurance payments (including payments under health and accident insurance and Workers’ Compensation, except those portions which are reimbursement for expenses paid out by the family or otherwise excluded by HUD regulation), capital gains and settlement for personal or property losses are counted as assets whether or not they are placed in savings or other investment vehicles. The PHA will verify payments of inheritances through the executor; health, accident and Workers’ Compensation payments through the provider; capital gains through the broker, original 1099s or tax returns; and settlements for personal or property losses through the insurer.

   Lump sum payments of $500 or less will not be included in the calculation of assets.

F. HUD Required Deductions

HUD has five (5) mandatory deductions from annual income:

1. Dependent Allowance

   $480 each for family members (other than the head, spouse or co-head) who are minors (including children who are adopted), and for family members who are eighteen (18) and older who are full-time students or who are disabled (foster children, foster adults, and children of live-in aides are not entitled to this deduction).

2. Elderly/Disabled Allowance

   $400 per family for families whose head, spouse or co-head is 62 or over or disabled.

3. Allowable Medical Expenses

   Deducted for all family members of an eligible elderly/disabled family.

   a) Appendix K will be used to determine allowable medical and dental expenses that can be included as medical deductions. Where an expense item can be treated as either a medical or a disability assistance expense the PHA will calculate the expenses both ways and give the family the greater deduction.

   b) The PHA will advise all families at each certification and each reexamination that they may report any one-time nonrecurring medical or disability expense cost and request an interim recertification.

   c) The PHA will include the following as a standard medical expense deduction when determining the family’s medical expenses deduction:

      (1) The amount of un-reimbursed out-of-pocket expenses for prescription drugs

      (2) Any premiums incurred for a Medicare prescription drug plan

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d) Standard medical deduction is the sum of allowable medical deductions that exceed three percent (3%) percent of annual income.

4. Allowable Disability Assistance Expenses

Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the disabled person or another adult family member to work.

Disability assistance expenses are those reasonable expenses that are anticipated during the period for which annual income is computed for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled family member) to be employed.

These expenses may not be paid to a member of the family nor reimbursed by an outside source.

The PHA must determine what is “reasonable” based on local conditions and costs as well as whether the expenses are directly linked to enabling the family member to work. Reasonable attendant care costs for the locality should be verified through a local social services agency which handles attendant care needs, or an independent Living Center that assists families in matching attendants with disabled clients.

Attendant care includes the actual cost of providing an attendant to care for a disabled person either in the home or in the workplace based on local standards for hourly pay or salary.

Equipment may include but not be limited to providing a wheelchair (manual or electric) to allow the disabled individual the mobility to go from home to place of employment or to facilitate care in the home, ramps to provide access to and from the unit, modifications to a vehicle or special equipment to enable a blind individual to read or type, but only if this enables the disabled person or other family member to work, any other type of special equipment needed for mobility if the use thereof is demonstrated to be employment related for the disabled person or another family member.

The amount allowed is limited to the amount that exceeds three percent (3%) of gross family income and does not exceed the amount earned as a result of the expense.

The PHA must be able to verify that there is a direct link between the disability assistance expenses claimed by the family and a family member’s (including the disabled family member) employment.

If more than one family member is enabled to work as a result of the incurring of disability assistance expenses, the PHA will verify the employment and combine the incomes of all working family members to establish the cap by which the expenditures are limited.

If both childcare and disability expenses are needed to enable a person to work, the PHA will use the same employment income to justify the childcare allowance and the disability assistance allowance.

5. Child Care Expenses

Deducted for the care of children, including foster children, under thirteen (13) years of age when childcare is necessary to allow an adult member to work, attend school, or actively seek employment.

The following standards are the criteria for allowing childcare expenses as a deduction:

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a) Childcare expenses must be “reasonable” and may not exceed the amount of employment income that is included in annual income. If childcare is required to allow one or more family members to be employed, the amount of the childcare expense may not exceed the total of earned income received by all family members.

   One or more family members can engage in qualifying activities for childcare purposes as long as the limitations of reasonable expenses for job search and education and expenses not exceeding earned income for employment are applied.

b) The amount of childcare expenditure must be reasonable if the purpose of the childcare is to allow a family member to actively seek employment or to further his or her education

c) The PHA will make a determination as to what is a reasonable rate for childcare based on local conditions and rates. The PHA will obtain information from the social services agency that certifies childcare providers, day care centers, federally funded after school programs, etc., and determine a scale of reasonable costs. If it is determined that there is a significant difference between in-home care and day care center charges, the PHA will develop a separate scale for each.

d) To claim the deduction, verification from the child care provider must include the name, address, and phone number of the company or individual child care provider, the names of the children being cared for, the number of hours for which child care is provided, the rate of pay, and the typical yearly amount paid (taking into account school and vacation periods).

e) Childcare to work: The maximum childcare allowed would be based on the amount earned by the person enabled to work. The "person enabled to work" is the adult member of the household who earns the least amount of income from employment. The childcare deduction may not exceed the amount of income earned by the person enabled to work.

f) Childcare for school*:* To qualify for childcare deductions under the provision of furthering education, the family member must demonstrate that they are enrolled in some accredited or approved educational or training program. While the type of educational effort may vary widely and be either full-time or part-time, evidence of regular participation will be required and verified by the PHA.

   Furthering education can include but is not limited to; completing high school or equivalency (GED), trade school, Community or Junior College, four-year College, technical schools, ESL or basic education classes, apprenticeship programs, certificate programs, clerical school and even independent study, if the family member must access on-line educational programs out of the home.

   The family member must provide and the PHA verifies information on the type of educational program, the number of units or hours of participation, the name of the educational institution or training facility.

g) Childcare to seek employment: The deduction for childcare to seek employment must not exceed the Annual Adjusted Income of the family member seeking employment. The deduction does not include transportation costs, or other expenses incurred, and are limited to one year per individual.

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To qualify for childcare deductions under the provision of actively seeking employment, the family member may be a participant in an official job search program or may simply demonstrate independent job search activities. In either case, in order to verify the time spent in seeking employment, the PHA will require the family to maintain a log that reflects the following:

(1) The date and time of departure from home (including time needed to drop off children for childcare, if provided outside the home);

(2) The name and location of the prospective employer, unemployment office or employment agency;

(3) The name of the person(s) contacted and telephone number;

(4) The length of time for completion of the application, the interview, testing or other job search activity;

(5) The time the children are picked up and the time arrived at home;

(6) The name, address, telephone number and social security number of the childcare provider; and

(7) The total amount paid for the childcare.

If multiple applications are placed or interviews are held consecutively or on the same day, the above information should be provided for each prospective employer or agency. The PHA will use this information to verify the contacts and the eligibility of childcare expenses.

Since job search activities may be irregular and not easily anticipated, the PHA may attempt a limited inclusion at the annual certification and conduct an interim examination after some actual expenditures have been incurred. In many instances, job search periods will be of limited duration, but in some cases the job search period may be extended, especially if the type of employment sought is limited in availability, employment opportunities of any kind are scarce or the job skills needed are unusual.

If the family has school age children who require care only before and/or after school hours, the PHA will consider payment for before and/or after school activities to be a reasonable expense in lieu of individual childcare.

The PHA will allow childcare expense coverage to include pick-up and drop-off of children at the provider's location. The PHA will also evaluate expenses which may exceed the norm if childcare must be provided evenings, nights or weekends for either educational or employment purposes.

The PHA will review the work hours or educational hours to assure that the combined employment or education hours plus pick-up/drop-off times are within a reasonable timeframe (generally determined to be no more than one hour before or after scheduled work hours or class times). Exceptions may be made for overtime, special seminars or testing, providing the PHA can verify the extended times.

Childcare expenses may be divided between two households in cases of split custody. If only one custodian is an assisted family, the cost of childcare will be pro-rated based on the percentage paid by each custodial parent. The cap on eligibility for childcare

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expenses allowed the assisted family would still be based on the earned income limitation.

At annual certification, the PHA will determine the total anticipated childcare expense for the employed family members (including increases for care need during school breaks and summer vacations for school age children) and average the amount over twelve (12) months. Should there be a significant variation from the estimated amount the family may request an interim certification adjustment.

The deduction for childcare is not given if an agency or person outside the household reimburses the expenses.

G. Minimum Rent

The PHA has adopted a minimum rent of $50.00.

Hardship Exemption

1. The minimum rent requirement may be waived due to certain financial hardships. The request for minimum rent hardship must be made in writing to the PHA prior to the rent becoming delinquent. The PHA will verify whether the hardship claimed is temporary or long term. Payment of the minimum is suspended immediately for ninety (90) days when a hardship is requested on one of the following conditions:
   a) The family has lost eligibility or is awaiting an eligibility determination to receive federal, state or local assistance, including a family having a non-citizen household member lawfully admitted for permanent residence and who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996;
   b) The family income has decreased due to changed circumstances such as loss of employment, separation, divorce, and abandonment;
   c) The family would be evicted as a result of imposing the minimum rent requirement;
   d) There has been a death in the family; or
   e) There are other hardship situations determined by the PHA on a case-by-case basis, i.e. alimony, child support, etc.

   Financial hardship exemption only applies to payment of minimum rent - not to rent based on the statutory formula for determining the Total Tenant Payment (TTP) or Flat Rent in the public housing program.
2. If tenant initiates a request for a hardship exemption that the PHA determines is temporary in nature:
   a) Rent may be suspended, during the ninety (90) day period beginning on the day the request is made. At the end of the ninety (90) day period, the minimum rent is reinstated retroactively to the date of suspension.
   b) The PHA will allow the family a maximum of six (6) months to make payment of any delinquent minimum rent payments accrued during the suspension period. However, the family must execute a Repayment Agreement.
   c) The family may not be evicted for non-payment of rent during the ninety (90)-day suspension period.

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d) If the hardship is subsequently determined to be long-term, the PHA will retroactively exempt residents from the minimum rent requirement for the ninety (90)-day period.

3. If the circumstances supporting the request for a minimum rent hardship exemption are long term, tenant's rent will be based on the statutory income-based rent calculation formula during the minimum rent exemption period.

4. Hardship determinations are subject to the PHA's Informal Hearing Process and families are exempt from any escrow deposit that may be required under regulations governing the hearing process for other determinations.}

H. Prorated Assistance for "Mixed" Families

1. Applicability

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

   If the household is sole member, the head of household must be a citizen or eligible non-citizen.

   In all other cases, the head of household, spouse and co-head are not required to be either citizens or non-citizens. A qualifying minor will satisfy the requirement of having at least one member who is a citizen or eligible non-citizen.

2. Prorated Assistance Calculation

   Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Total Tenant Payment is the gross rent minus the prorated assistance.

I. Zero Income Families

Families reporting no family income will be asked at application and re-certification how the family pays for necessary living expenses. If it is determined that the family is receiving regular monetary or non-monetary contributions and/or gifts from non-household members, the value of these gifts will be annualized to estimate income.

If it is determined that the family receives no income from gifts, contributions, or any other source, the family will be required to complete, sign, and date a statement of zero family income. This amount, excluding any food stamps or the PHA Utility Allowance payments, will be annualized to determine annual income. Zero income families will be reevaluated annually to determine if there are any new sources of income. The reevaluation may include an inquiry to the Department of Labor.

1. If a family reports that it does not have an income, the Head of Household will be required to sign a no income affidavit and answer all questions on a zero-income questionnaire.
2. Where outside sources are paying bills or donating household goods on a regular basis, the value of these contributions will be included as annual income.
3. When a family loses their source of income, the family will not be required to sign a statement of zero family income until 90 days after the loss of income. If there is still no income at that time, the family will then be required to sign a statement of zero income.

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CHAPTER 10. Notification of Eligibility

After completing the screening process, the PHA will, in writing, promptly notify applicants, both ineligible and eligible, of the results of the screening. This will be done as follows.

A. Ineligible Applicants

The PHA will promptly notify, in writing, any applicant determined to be ineligible for admission to a development of the basis for such determination within ten (10) working days, and will provide the applicant, upon request, an opportunity for an informal hearing on such determination.

Informal hearings may be conducted with the mediator/hearing officer attending either in person or by remote electronic access such as webcam.

1. Informal hearing for denial of admission due to ineligibility, other than non-citizen eligibility:
   a) The notice will contain a brief statement of the reasons for the determination and will state that the applicant has the right to meet with the PHA's designated person to review it.
   b) If the meeting is requested, it will be conducted by a person or persons designated by the PHA. Those designated may be an officer or an employee of the PHA, including the person who made or reviewed the determination, or his or her subordinate.
   c) The policies will be carried out in accordance with HUD's requirements.
   d) The applicant may exercise other rights if the applicant believes that he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age, familial status, sexual orientation, gender identity, marital status or disability.
   e) The request for a hearing must be submitted to the PHA either orally or in writing no later than five (5) business days from the postmark date of the denial notice.
   f) If the PHA determines that an applicant does not meet the criteria for receiving a preference, the PHA will provide the applicant with written notice of the determination within ten (10) days.
2. Informal Hearing Policies for Applicants Denied Assistance for Non-Eligible Immigration Status.
   a) Requests for an informal hearing will be personally presented either orally or in writing, to the PHA's administrative office so that the grievance may be discussed informally.
   b) The applicant shall be provided a hearing before any person(s) designated by the PHA (including an officer or employee of the PHA), other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.
   c) The applicant shall be provided the opportunity to examine and copy at the applicant's expense, at a reasonable time in advance of the hearing, any documents in the possession of the PHA pertaining to the applicant's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

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d) The applicant shall be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

e) The applicant shall be provided the opportunity to controvert evidence relied upon by the PHA and to confront and cross-examine all witnesses on whose testimony or information the PHA relies.

f) The applicant shall be entitled to be represented by an attorney, or other designee, at the applicant's expense, and to have such person make statements on the applicant's behalf.

g) The applicant shall be entitled to arrange for an interpreter to attend the hearing, at the expense of the applicant or the PHA, as may be agreed upon by both parties.

h) The applicant shall be entitled to have the hearing recorded by audiotape (a transcript of the hearing may but is not required to be provided by the PHA).

i) The PHA shall provide the applicant with a written final decision, based solely on the facts presented at the hearing within fourteen (14) days of the date of the informal hearing.

j) A decision against a family member, issued in accordance with 24 CFR 5.514(d) does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

k) If the family chooses not to continue to contend eligible immigration status, the family may be offered prorated housing assistance, if at least one family member is a U.S. citizen or has eligible immigration status (not a non-citizen student).

B. Eligible Applicants

When a determination has been made that an applicant is eligible and satisfies all requirements for admission, including the resident selection criteria, the applicant will be notified, in writing, of the approximate date of occupancy insofar as that date can be reasonably projected.

C. Resident Orientation

Eligible applicants selected for admission will be required to participate in an orientation program (if provided by the PHA) to acquaint new resident families with the policies herein; the Lease Agreement; maintenance procedures; services provided by the PHA; Grievance Procedures; resident rights, responsibilities and obligations. After resident move-in, PHA staff will acquaint the family with the operation of heating, cooling, and plumbing equipment in the units.

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CHAPTER 11. Types of Developments and Requirements

Housing Authorities typically have several types of housing developments and dwelling unit sizes. Admission requirements for these may be different. The following outlines requirements for general occupancy developments, developments for the elderly, and units designed for the disabled.

A. General Occupancy Developments

1. The PHA will not give elderly families or non-elderly families a preference over single applicants for admission to general occupancy developments.
2. An elderly family that wants to, or needs to, be admitted to a general occupancy development must be considered on the same basis as any other family.
3. If units of appropriate sizes are available in both a general occupancy development and a development for the elderly, elderly families with children or young disabled family members may choose to be housed in the general occupancy development.

B. Mixed Population Developments

1. Preference for Elderly Families

   Unless the PHA has obtained HUD approval to designate certain developments or portions of developments for the elderly and/or disabled, the PHA may not limit occupancy of certain units to those groups.

   a) If a non-elderly, non-disabled applicant is next on the waiting list and the unit available is located in a development originally built for elderly/disabled but not designated, the PHA must offer that unit to the applicant, even if the family includes children, as long as the composition and size of the family meets the PHA's occupancy standards.

   b) Elderly and non-elderly disabled may receive preference over non-elderly families in mixed population developments.

   c) Elderly and non-elderly disabled families will not receive preference in general occupancy developments.

2. Selection Preference for Mixed Population Developments

   a) The PHA is required to give preference to elderly families and disabled families equally in determining priority for admission to mixed population developments. No limit will be established on the number of elderly or disabled families who may be accepted for occupancy in such developments.

   b) When offering units in mixed population developments, the PHA will first offer units with accessible features to persons with disabilities who require the accessibility features of the unit.

3. Discretionary Preference for Near Elderly Families in Mixed Population Developments

   A near elderly person(s) is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

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a) In no event will the PHA admit a near elderly family to a development for elderly families if there are eligible elderly families on the PHA's waiting list that would be willing to accept an offer of a suitable vacant unit in a mixed population development.

b) When the PHA determines that there are not enough elderly families to fill all of the units that are currently vacant or expected to become vacant within the next twelve (12) months, the PHA will give near elderly families a preference for admission to mixed population developments.

c) Before electing to give near elderly families such a preference, however, the PHA will conduct outreach to attract eligible elderly families, including:

(1) Those groups that historically have been the least likely to apply; and

(2) Where appropriate, elderly families residing in general occupancy developments.

d) If the PHA elects to give near elderly families a preference for admission to a mixed population development, the PHA will apply the preference when it selects applicants for admission from among near elderly families.

4. Discretionary Preference for Near Elderly Single Persons in Mixed Population Developments.

   If a near elderly applicant is a single person, as that term is defined in HUD regulations, the near elderly single person is given a preference for admission over other single persons to mixed population developments.

5. The PHA will not set a minimum age (such as 50 or 55) for the admission of persons who are disabled to mixed population developments.

6. The PHA will not exclude families with children from mixed population developments, provided such developments have dwelling units of the appropriate sizes for such families.

C. Units Designed for the Disabled

1. Without incurring vacancies, the PHA will make every reasonable effort to provide dwelling units that are specially designed for families with physically disabled members who require such units.

2. The PHA may provide a dwelling unit designed for the disabled to a family that includes a mobility impaired person (such as a child or a grandparent who uses a wheelchair) even though the family head or spouse is not disabled.

3. When there are not enough disabled applicants to fill units especially designed for such persons, non-disabled applicants may be offered such units. However, it must be made clear to the family that when another unit becomes available which meets the family's needs, they will be required to move if the accessible unit is needed for a family with a member who has a disability. The lease agreement will be modified to reflect this requirement.

4. Should there be a disabled applicant or resident needing a unit with special features, that applicant/resident will be offered the unit prior to transferring a family or individual who is over-housed or under-housed.

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D. Designated Housing

The PHA will give priority for occupancy of the designated housing development units to designated families.

1. If there are an insufficient number of elderly families to fully occupy the units in the designated development, the PHA may make units available to near elderly families, who qualify for preference.
2. If there are an insufficient number of elderly and near elderly families to fully occupy the units in the designated development, the PHA shall make available to all other families any dwelling unit that is:
   a) Ready for re-rental and for a new lease to take effect; and
   b) Vacant for more than sixty (60) consecutive days.
3. If any disabled family or elderly family chooses not to occupy or accept occupancy in a designated development, there will be no adverse effect on:
   a) The family's admission to or continued occupancy in public housing; or
   b) The family's position on or placement on a public housing waiting list.

E. See Appendix C for Development Units.

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CHAPTER 12. Occupancy Standards

The PHA's occupancy standards specify the minimum and maximum number of household members who will be permitted to occupy dwelling units of various sizes, depending on family size, composition and extenuating circumstances, such as the ages, sexes, and disabilities of household members. The standards take into consideration the need to assign a unit with the smallest number of bedrooms that will avoid overcrowding the unit or project and minimize vacancies. The occupancy standards are as follows.

1. The Standards described below take into consideration the minimum number of occupants for admission and the maximum number of persons for continued occupancy based on an occupancy standard of two persons per bedroom.

2. The PHA has an occupancy policy of two persons per bedroom regardless of age or sex. The Chart below details the standards.

Number of Bedrooms	Minimum No. Of Persons	Maximum No. Of Persons
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

3. Every family member, regardless of age, will be counted as a person. For the purpose of establishing the unit size for a family, an unborn child will be counted as a member of the family household, once the pregnancy reached the second trimester (verified from a health care provider).
4. Living room space may be used for sleeping purposes, at the request of the family.
5. A live-in aide who is not a family member normally will be provided a separate bedroom.
6. For reasons of health (old age, physical disability, etc.), a separate bedroom may be provided for individual family members, as verified by a medical professional.
7. When the PHA determines that a family is over-housed or under-housed according to the above standards, the PHA will require the family to transfer to a unit of the appropriate size. Transfers of this nature will be effective prior to voluntary or family requested transfers.
8. Foster children will be counted as family members in determining the bedrooms to be assigned.
9. If the PHA is unable to fill units with families of appropriate sizes and types, it will house eligible families of the most nearly appropriate sizes on a temporary basis. Each such family will be informed, before moving in, of the dwelling lease agreement "to transfer to an appropriate size dwelling unit, based on family composition, upon appropriate notice by PHA that such a dwelling unit is available."

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10. Exceptions to the minimum standards will be made if they are necessary to provide reasonable accommodation for a person with disabilities.
11. A single head of household shall not be required (but may choose) to share a bedroom with his/her children.
12. Additional bedrooms are not provided for visitors or guests. Residents will be allowed to have visitors for a period of up to fourteen (14) cumulative days in any twelve (12) month period, except in the case of a family member requiring care during illness or recuperation from illness or injury as certified by a medical professional. Written permission must be obtained from the PHA for any deviation from the occupancy standards included in this policy which may result from the presence of the temporary care giver in the unit.
13. IMPORTANT: The maximum and minimum number of persons per unit shall be discussed with each applicant family. Families will also be informed about the status and movement of the various waiting lists and sub-lists maintained by the PHA.
    a) Families will be asked to declare in writing the waiting list on which they wish to be placed.
    b) If a family opts for a smaller unit than would normally be assigned under the 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 change.
    c) The PHA shall change the family's sub-list at any time while the family is on the waiting list at the family's request.

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CHAPTER 13. Offering the Units (Tenant Selection and Assignment Plan)

As dwelling units become available for occupancy, responsible PHA employees will offer units to applicants on the waiting list. In accordance with the Quality Housing and Work Responsibility Act of 1998 (QHWRA), the PHA encourages occupancy of its developments by families with a broad range of incomes. At a minimum, forty percent (40%) of all new admissions on an annual basis will be extremely low-income families (See Appendix D for Income Limits). The offer of assistance will be made without discrimination because of race, color, religion, sex, national origin, age, disability or familial status.

A. Income Limits and Targeting

Families with income of eighty percent (80%) or less of the published Average Median Family Income (AMFI) are eligible for admission to the Low-Rent Public Housing program. 24 CFR 960.503 and 505 allow exceptions to this rule for PHA's with fewer than 250 units or for increasing security by housing a police officer who may be income ineligible.

Not less than forty percent (40%) of the families admitted to the PHA's public housing program during the fiscal year from the waiting list shall be extremely low-income families.

This percentage of admissions of extremely low-income families to the Public Housing Program may be decreased by up to ten percent (10%) when more than seventy-five percent (75%) of extremely low-income families are admitted to the HCV program in the PHA's fiscal year. The percentage of extremely low-income families admitted to the Public Housing Program can never be less than thirty percent (30%) in a fiscal year.

The credit for Voucher program admissions that exceed the minimum Voucher program targeting requirement shall not exceed the lower of:

a) Ten percent (10%) of public housing waiting list admissions during the PHA's fiscal year; or

b) Ten percent (10%) of waiting list admission to the PHA's Section 8 tenant-based assistance program during the PHA's fiscal year; or

The number of qualifying low-income families who commence occupancy during the fiscal year of the PHA's public housing units located in census tracts with a poverty rate of thirty percent (30%) or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

B. Deconcentration

The offers will be made in the following manner.

To the maximum extent feasible, the deconcentration and income-mixing requirements of the QHWRA will be followed. Families with incomes ranging from 0% to 80% of median income will be selected in accordance with the tenant selection section of this policy. Families with the highest incomes will be offered units in developments where average family incomes are lowest. Conversely, families with the lowest incomes will be offered units in developments with the highest average family incomes. The PHA may offer incentives to families to accomplish the de-concentration and income-mixing objectives.

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The PHA may employ a system of income ranges in order to maintain a resident body composed of families with a range of incomes and rent paying abilities representative of the range of incomes among low-income families in the PHA's area of operation and may take into account the average rent the PHA should receive to maintain financial solvency. The PHA's selection policies are designed so that selection of new public housing residents will bring the PHA's actual distribution of rents closer to the projected distribution of rents.

The PHA will select, based on date and time of application and preferences, two (2) families in the extremely low-income category and two (2) families from the lower income category (31% to 80% of area median income) alternately until the forty percent (40%) admission requirement of extremely low-income families is achieved (2 plus 2 policy).

After the minimum level is reached, all selections will be made based solely on date, time and preferences.

Any applicants passed over as a result of implementing this 2 plus 2 policy will retain their place on the waiting list and will be offered a unit in order of their original placement on the waiting list.

C. Unit Offer

1. The PHA will make one offer of a unit (where their race does not predominate) of appropriate size, amenities, and need for accessible features, if applicable, to a qualified applicant based on the applicant's site-based waiting list position.
   a) If that offer is rejected, the applicant will be removed from the waiting list, unless the applicant has good cause (as defined below) to reject the offer.
   b) To the maximum extent possible, the offer will also be made to affect the PHA's policy of economic de-concentration.
2. The PHA will contact the family first by telephone to make the unit offer and schedule a showing of the unit. If the family cannot be reached by telephone, the family will be notified via first class mail.
   a) The family will be given (5) five business days from the date the letter was mailed to contact the PHA.
   b) The family will then have the opportunity to view the unit and will have two (2) business days to accept or reject the unit or be removed from the waiting list.
   c) The applicant can reapply for assistance in six (6) months.
3. When leasing a vacant dwelling unit, the PHA will offer the unit to applicants on the waiting list in sequence, until someone accepts it, in accordance with the PHA's local preferences and/or the date and time of application.
4. If more than one unit of the appropriate size and type is available, the first unit to be offered will be the unit that will serve to achieve the PHA's goal of economic de-concentration.
5. The applicant will not be considered to have been offered a suitable unit if:

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a) The unit is not of the proper size and type, and the applicant would be able to reside there only temporarily (e. g., a specially designed unit that is awaiting a disabled applicant needing such a unit).

b) The unit contains lead-based paint and accepting the offer could result in subjecting the applicant's children who is under six (6) years of age to lead-based paint poisoning.

c) The applicant is unable to move at the time of the offer and presents clear evidence that substantiates this to the satisfaction of the PHA. Examples:

(1) A physician verifies that the applicant has just undergone major surgery and needs a period of time to recuperate; or

(2) A court verifies that the applicant is serving on a jury which has been sequestered.

d) Accepting the offer would result in undue hardship to the applicant, and such acceptance is not related to consideration of race, color, creed, sex, age, religion, disability, national origin, or familial status, and the applicant presents clear evidence which substantiates this to the satisfaction of the PHA. Examples of this circumstance are inaccessibility to employment, education or job training, children's day care or educational programs for children with disabilities if the move would require a household member to quit a job, education or training program or take the child out of the special program.

e) A low-income family refuses the offer of a unit in a development with very low-income families or vice versa.

D. Primary Residence

1. The unit leased from the PHA must be the family's primary residence. Assistance will be terminated if the PHA determines the leased unit is not the family's primary residence.

2. Factors that may be considered in determining whether a tenant remains a primary resident include:

a) Family members using an address other than the PHA unit as a place of residence on any tax return, motor vehicle registration, driver's license or other document filed with a public agency;

b) Using an address other than the PHA unit as a voting address;

c) Subletting the housing accommodation.

d) Absence from the unit for thirty (30) consecutive days without notice and/or PHA approval.

e) Absence from the unit for more than thirty (30) cumulative days during a lease period, except for temporary periods of absence including military service, enrollment as a full-time student; relocation by court order; temporary relocation due to employment; hospitalization or other reasonable grounds.

f) PHA exceptions to d) and e) above will be subject to PHA approval on a case by case basis.

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CHAPTER 14. Rental Fees and Other Charges

The following outlines the policies for calculating rental fees and other charges to be paid by PHA residents.

A. Tenant Rent

Tenant rent is the amount of rent payable by the resident to the PHA. Tenant rent is Total Tenant Payment (TTP) minus any applicable utility allowance for tenant paid utilities.

1. Rent is due and payable on the first of the month and is delinquent if not paid by the close of business on the tenth of the month, unless the tenth falls on a week-end or holiday, in which case rent will be late as of the close of business on the next full business day.
2. The PHA's policy does not allow acceptance of cash for rent or other charges. Rental and other payments will be accepted only in the form of money orders, credit/debit card, cashier's checks or personal checks.
3. Personal checks may be presented until or unless more than one Non-Sufficient Funds (NSF) check is presented. An insufficient fund (NSF) fee of thirty-five dollars ($35.00) will be assessed against the resident's account. The resident will then be required to make payment using money orders, credit/debit card, or cashier's checks.

B. Late Fees

1. If rent is unpaid by the close of business on the tenth day of the month, a one-time per month late fee of thirty-five dollars ($35.00) will be assessed.

C. Choice of Rent

1. The PHA will provide through its orientations, individual counseling, and by written notices, sufficient information to allow families to make an informed choice of rent payment options. At a minimum, families will be advised of:
   a) The dollar amounts of the flat rent and the income-based rent; and
   b) The PHA's policies on switching the type of rent in circumstances of financial hardship.
2. Flat Rent: To comply with the flat rent requirements annually, the PHA will revise, if necessary, the flat rent amount for a unit no later than 90 days after the effective date of the new Fair Market Rents (FMRs) or Small Area Fair Market Rents (SAFMRs) are published by HUD.
   a) The PHA will compare the current flat rent amount to the applicable FMRs or SAFMRs/unadjusted rent. The PHA will be in compliance with the flat rent requirement and no further action is necessary, if the flat rent is at least equal to the lower of:
      (1) 80 percent of the applicable FMR; or
      (2) 80 percent of an applicable SAFMR or unadjusted rent, if applicable, as determined by HUD, or any successor determination, that more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area.

   For unit where utilities are tenant-paid, the PHA must adjust the flat rent downward by the amount of a utility allowance for which the family might otherwise be eligible.

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b) Flat Rent Exception: HUD requires flat rent exception requests if the PHA's current flat rent is less than the lower of:

(1) 80 percent of the FMR, or

(2) 80 percent of the SAFMR (or if a SAFMR is not available, 100 percent of the unadjusted rent).

To demonstrate the need for an exception flat rent, the PHA must submit a market analysis demonstrating that the proposed flat rent is a reasonable rent. The PHA may not submit a request for an exception flat rent that is lower than the demonstrated market value of the unit. The market analysis must explain the methodology used to compare public housing units to unassisted units:

a. Location
b. Quality
c. Size
d. Unit type
e. Age of the public housing unit
f. Amenities
g. Housing services
h. Maintenance
i. Utilities to be provided by the PHA in accordance with the lease

The PHA is not required to submit an exception request to set flat rents at or above 80 percent of the FMR or SAFMR, or at or above 100 percent of the unadjusted rent.

(*Appendix E: Table of Flat Rents shows the PHA's flat rents by development, unit size and type*)

3. Income-Based Rent: Is a tenant rent which is based on the family's income and the PHA's rent policies for determination of the rent. The income-based rent plus any utility allowance will not exceed the Total Tenant Payment (TTP) as determined by the statutory formula.

The PHA uses the standard formula for calculating income-based rent which is found in D of this section.

4. Rent Options and Annual Reviews: At all new admissions, the PHA will permit the family the choice between the flat rent amount and the income-based rent. Annually, the PHA will give families the option to choose between paying the flat rent or the income-based rent. The PHA will not give families the choice of rent option more than once per year, except in the case where the family has chosen the flat rent and experiences a financial hardship.

a) At initial occupancy, or in any year where a current program participating family is paying the income-based rent, the PHA:

(1) Will conduct a full reexamination of family income and composition at the first annual rent option (Year 1);

(2) Will inform the family of the flat rent amount and the rent amount determined by the reexamination of family income and composition;

(3) Will inform the family of the PHA's policies on switching rent types due to a financial hardship; and

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(4) Will apply the family's rent choice at the next lease renewal.

b) At the second and third annual rent options, for families that choose to switch from income-based rent to pay the flat rent, the PHA:

(1) Will not conduct a full reexamination of family income and composition for the second and third annual rent options. The PHA will use the income information from the reexamination of family income and composition from the first annual rent option.}

(2) Must inform the family of the updated flat rent amount, and the rent amount determined by the most recent reexamination of family income and composition;

(3) Must inform the family of the PHA's policy of switching rent types due to a financial hardship; and

(4) Must apply the family's rent decision at the next lease renewal.

b) At the next annual rent option, the PHA will offer the updated flat rent amount and permit the family to choose between the flat rent amount or the income-based rent, subject to the phase-in requirements.

5. Financial Hardship: If the family experiences a financial hardship, the family may at any time, before the next annual choice of rent option, request to be switched to income-based rent.

a) The PHA will switch the family's rent from flat rent to income-based rent on the first of the month following verification of the financial hardship.

b) Once the family switches from flat rent to income-based rent due to financial hardship, the family may not change back to flat rent until its next annual reexamination.

c) The PHA has established the following policies for determining when payment of flat rent is a financial hardship:

(1) The family's income has decreased because of changed circumstances, including loss or reduction of employment, death in the family which results in reduction of income or payment of funeral expenses, reduction in or loss of earnings, or reduction or loss of other assistance;

(2) The family has experienced an increase in expenses, because of changed circumstances, for un-reimbursed medical costs, childcare, transportation, education, or similar items; and

(3) Other reasonable financial hardship circumstances which may be applied on a case-by-case basis at the discretion of the PHA.

6. Flat Rent Increase Phase-In Requirements: The PHA will review annually, and revise if necessary; the flat rent amount for a unit no later than 90 days after HUD publishes the new FMRs.

a) The annual review may result in either an increase or decrease in the flat rent.

b) Families paying flat rent will not have their rent adjusted until their annual reexamination or annual update.

c) If the new flat rent amount will not increase a family's rental payment by more than 35 percent, the family may choose to pay either the updated flat rent amount or the previously calculated income-base rent.

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d) If the family's rent, prior to any applicable adjustments for utilities payments, increases more than 35 percent due to the flat rent amount changes, the family's rent increase will be phased-in at 35 percent annually until such time the family chooses to pay the income-based rent, or the family is paying the flat rent established by the PHA.

D. Total Tenant Payment (TTP)

The Income-Based TTP for families shall be the highest of the following, rounded to the nearest dollar:

1. Thirty percent (30%) of the family's Monthly Adjusted Income; or
2. Ten percent (10%) of the family's Monthly Gross Income; or
3. Welfare rent (in as-paid welfare states); or

   When welfare rent is the higher, the PHA will recalculate rent once after the welfare department recalculates welfare based on the PHA's initial rent determination.

4. A minimum rent of $50.00.

   The minimum rent requirement may be waived under certain financial hardships providing that the family requests the waiver in writing prior to the rent becoming delinquent as detailed in Chapter 9 above under paragraph H "Minimum Rent".

E. Special Reexamination

1. If, at the time of admission, a family's existing conditions of employment are too unstable to develop the adjusted income into the coming twelve (12)-month period for the purpose of determining TTP, the PHA will schedule a special reexamination.

   a) This special reexamination will take place within 30, 60, or 90 days of admission, or at a date by which the PHA estimates that the family's circumstances will be stable.

   b) If at the time of such special reexamination it is still not possible to make a reasonable estimate of adjusted income, special reexaminations will continue to be scheduled until a reasonable estimate of the adjusted income can be made.

   c) Increases in rent determined at special reexaminations shall be made effective the first of the second month following the final rent determination. If the determination results in a decrease in rent, the effective date will be the first of the month following the reexamination verification.

   d) Until the final rent determination can be made, the family will pay rent based upon the existing adjusted income.

2. Persons reporting zero income will have their circumstances reexamined annually until they have a stable income. Persons claiming zero income will also be asked to complete a family expense form (no income form). This form will ask residents to estimate how much they spend on food, beverages, transportation, health care, childcare, debts, household items, etc. Residents will then be asked how they pay for these items.

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F. Policies to Obtain a Hearing Regarding Amount of Rent

1. Before a hearing is scheduled in any grievance involving the amount of rent that the PHA states is due, the family must pay an escrow deposit to the PHA in the amount which the PHA states is due and payable as of the first of the month preceding the month in which the family's act or failure to act took place. After the first deposit, the family must continue to deposit the same amount monthly until the family's complaint is resolved by decision of the hearing officer or panel.
2. The PHA must waive this requirement for escrows concerning the financial hardship exemption of minimum rent or reductions in welfare benefits related to work requirements.
3. Unless the PHA waives the requirement or it meets the criteria of F 2. above, the family's failure to pay the escrow deposit will terminate the grievance procedure.
4. The family's failure to pay the escrow deposit does not constitute a waiver of the family's right to contest the PHA's disposition of the grievance in any appropriate judicial proceeding.

G. Charges in Addition to Rent

1. The PHA dwelling lease imposes charges for: (1) the late payment of rent and NSF check charges; (2) security deposits; (3) charges for maintenance and repair beyond normal wear and tear; (4) charges for the consumption of excess utilities; (5) pet security deposits; (6) charges for trash disposal; and (7) the payment of all court costs, expenses and attorney fees incurred in enforcing the dwelling lease or in recovering possession of the premises, if ordered by the court, unless the resident prevails in such legal action.
2. The PHA will provide basic pest control services without charge to its residents. Only staff or contractors who possess current pest control licensing will conduct pest control activities subject to law or regulation.
3. The security deposit is made upon occupancy and the pet security deposit and/or fee is paid in full prior to the pet being brought into the unit. Arrangements for partial payments of security deposits may be considered on a case by case basis. Partial payments for pet security deposits or fees will not be considered for any reason. Security deposits for a pet are not charged if the animal is determined to be a service animal needed by a person with a disability.
4. The payment of court costs by the resident occurs only when the PHA takes action against the resident and prevails.
5. The other charges listed above will become due and payable the first day of the month following the month in which the charge or charges incur and two (2) weeks after the PHA notice is provided to the resident.
6. The resident will be left a copy of the work order with charges or will be invoiced by the PHA. Invoices and work orders will state that the resident has a right to grieve said charges according to the PHA's established Grievance Procedures.
7. Appendix A contains the PHA's list of charges in addition to rent.

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CHAPTER 15. Security Deposit

1. The PHA requires residents to pay a security deposit. The purpose of this deposit is to reimburse the PHA for any resident-caused damage to the dwelling unit, unpaid rent and other unpaid charges when a resident vacates the unit. Requirements concerning deposits follow.
2. The PHA currently requires all resident families to pay a Security Deposit prior to occupying a unit.
   a) The PHA may provide for the gradual accumulation of the Security Deposit paid by a resident on a case-by-case basis, not to exceed three (3) months. If payments are approved, the PHA requires a minimum of one-third (1/3) of the security deposit to be paid prior to move-in. The PHA will deposit the Security Deposit paid by a resident in a bank or other lending institution. It will maintain full, accurate and detailed accounting records with respect to the Security Deposit paid by each resident.
   b) Subject to state and local laws, interest earned on the security deposit placed in a bank or other lending institution, may be refunded to the tenant upon termination of housing assistance.
   c) The PHA will not use the security deposit for any purpose whatsoever while the resident continues to occupy a dwelling unit.
   d) When the resident vacates the premises, the PHA will refund the security deposit to the resident in accordance with state law, provided the following conditions have been met:
      (1) The PHA has inspected the dwelling unit and attests that there are no resident-caused damages, or if there are such damages, the resident has paid the PHA for the cost of the necessary repairs and/or replacements to the dwelling unit.
      (2) The resident does not owe the PHA rent or other charges.
      (3) The dwelling unit and all equipment therein have been left reasonably clean and free of all trash and debris.
      (4) The resident has returned all keys to the dwelling unit and any or all tools, supplies and equipment borrowed from the PHA.
   e) If the head of a single member family dies and all of the above conditions prevail, the PHA will dispose of the security deposit in accordance with state laws, rules and regulations pertaining to the resident's estate.
   f) Security deposits amounts are detailed in Appendix F of this Policy.

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CHAPTER 16. Utility Allowances

A. General Policy

Allowances for PHA-furnished utilities represent the maximum consumption units (e.g., kilowatt hours of electricity) that may be used by a family occupying a dwelling unit without a surcharge for the excess consumption against the resident based on cost.

Allowances for resident-purchased utilities represent fixed dollar amounts that are deducted from the total Tenant Rent chargeable to a resident who pays the actual utility charges directly to the utility suppliers. (See Appendix B)

The information which follows does not apply to dwelling units which are served by PHA-furnished utilities, unless check-meters are installed to measure the actual utility consumption for the individual dwelling units, except that residents in such units will be subject to charges for the consumption of resident-owned major appliances, or for the optional functions of PHA-furnished equipment such as air conditioners.

The PHA will take the following actions with respect to allowances:

1. For all check-metered utilities, establish consumption allowances for PHA-furnished utilities.
2. For all utilities purchased directly by residents, establish utility allowances for resident-purchased utilities.
3. Maintain a record of the basis on which allowances and scheduled surcharges are established and revised, plus records of any revisions to the allowances and scheduled surcharges. The PHA will make such records available for inspection by residents.
4. Notify all residents of proposed allowances, scheduled surcharges and revisions. Transmit the notice to residents not less than sixty (60) days prior to the proposed effective date of the new allowances, scheduled surcharges or revisions and describe the basis for determining these.

   Include in the notice a statement of the specific items of equipment and functions whose utility consumption requirements were included in determining the allowances, scheduled surcharges or revisions. Also include the name and address of the place where the PHA maintains, and residents may inspect, records pertaining to these matters.
5. Provide all residents an opportunity to submit written comments at least thirty (30) days before the proposed effective date of the new allowances, scheduled surcharges or revisions.
6. Maintain the resident comments and make them available for inspection by the residents and HUD.
7. Establish separate allowances for each utility, and for each category of dwelling units that are reasonably comparable in utility usage.
8. Establish allowances for both PHA-furnished utilities and resident-purchased utilities so that they include a reasonable amount of consumption for:
   a) Major equipment or utility functions furnished by the PHA for all residents, such as a heating furnace and a hot water heater;

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b) Essential equipment, whether or not furnished by the PHA, such as a cooking stove, range or refrigerator; and

c) Minor items of equipment furnished by residents, such as toasters, radios and television sets.

9. In establishing allowances, take into account relevant factors affecting consumption requirements, such as the equipment and functions to be covered by the utility allowance; the local climate; design and construction of the housing development; energy efficiency of appliances and equipment; utility consumption requirements of appliances and equipment to be covered by the TTP; insulation, weatherization and other physical aspects of the housing development; and temperature of domestic hot water, size of units; and number of occupants.

10. Incorporate into the utility allowance the full price of any utility for which the resident pays a fixed price. For example, garbage collection cost.

11. For dwelling units that are subject to consumption allowances for PHA-furnished utilities and have check-meters installed, establish surcharges for utility consumption in excess of the allowances. Base surcharge on the PHA's average utility rate; compute the surcharge on the PHA's average utility rate; compute the surcharge on either a straight per unit-of purchase basis (such as so many cents per kilowatt hour of electricity) or on a stated block of excess consumption and describe in the PHA Schedule of Surcharges the basis for calculating such surcharges.

12. For dwelling units that are served by PHA-furnished utilities and have no check-meters installed, establish a Schedule of Surcharges. Such schedules indicate the additional dollar amounts residents will be required to pay, on the basis of the estimated utility consumption attributable to resident-owned major appliances or optional functions, such as air conditioning or PHA-furnished equipment. In such Schedule of Surcharges, state the resident-owned equipment or PHA-furnished equipment for which surcharges will be made, and the amounts of such surcharges, based on the PHA's cost of the utility consumption estimated to be attributable to the reasonable use of equipment.

13. At least annually, review the basis on which the utility allowances have been established, and if necessary, to adhere to the above standards, revise the allowances. Include in the review all changes in circumstances, such as the completion of a modernization program, energy conservation measures, and changes in utility rates. Following the annual review, the PHA will adjust the utility allowances if there is a ten percent (10%) or more change in the rates of one or more utilities.

14. On a case-by-case basis, grant individual resident relief from the surcharges for excess consumption of PHA-furnished utilities, or from the payment of utility supplier billings in excess of the allowances for resident-purchased utilities, on such reasonable grounds as the PHA deems appropriate. For example, special needs of the elderly, disabled, or special factors affecting utility usage that are not within the control of the resident. (Examples: use of a battery charger for recharging electric wheelchair batteries or use of oxygen equipment.)

15. Adopt the criteria for granting such individual resident relief, and the procedures for requesting such relief, at the same time as the methods and procedures for determining utility allowances. In each notice to residents (new or existing), include information about the availability of the individual resident relief.

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16. If a resident's TTP is less than the resident's allowance for utilities, pay the resident a utility reimbursement, i.e., the difference between the TTP and the allowance for utilities. The PHA's present utility allowances, by development, and by bedroom size, are listed in Appendix B.
17. Utility Reimbursement. The PHA has the option to pay the utility reimbursement to the family or directly to the utility company.
18. When a resident makes application for utility service in his/her own name, he/she shall sign a third-party notification agreement so that the PHA will be notified if the resident fails to pay the utility bill.

B. Reasonable Accommodation of Residents with Disabilities

Upon a request from a family that includes a disabled or elderly person, the PHA will approve a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation in accordance with 24 CFR Part 8 to make the program accessible to and useable by the family with a disabled family member.

Residents with disabilities will not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability.

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CHAPTER 17. Dwelling Lease

A. Dwelling Lease Term, Renewal, Modification and Termination

Each dwelling lease has a twelve (12) month term which will automatically be renewed for all purposes except non-compliance by an adult member with the community service requirements.

1. The PHA incorporates the regulatory provisions in all leases for dwelling units assisted under the U. S. Housing Act of 1937, as amended, in developments owned by or leased to the PHA and leased or sublet to residents.
2. The PHA can modify the lease, and any other documents referenced therein, at any time during the lease term provided that the PHA provides the required notice to residents and resident organizations and considers their comments before adopting the new dwelling lease.
3. The lease may be modified at any time by written agreement of the resident and the PHA.
4. The PHA may terminate tenancy if the resident refuses to accept a revision to the lease after being given at least sixty (60) days' notice of its proposed effect and being allowed a reasonable time to respond to the offer.

B. Policies

The dwelling lease policies are implemented for each resident as follows:

1. At admission, for new residents;
2. At the next regularly scheduled reexamination of income, for present residents;
3. Immediately, for any resident so requesting, whose next regularly scheduled reexamination of income is later than six (6) months after the date of adoption;
4. At the time of transfer, for any resident moving from one dwelling unit in a development to any other dwelling unit in a development.

C. Thirty (30) day Display and Comment Period

The PHA will provide at least thirty (30) days written notice to residents and resident organizations of any proposed changes in the dwelling lease.

1. Residents and resident organizations can present written comments on the proposed changes to the PHA during this thirty (30) day period. The PHA will take into consideration all comments before adopting any new lease.
2. If any change in the resident's status results in the need to change or amend any provision of the lease, or if the PHA desires to waive a provision with respect to the resident,
   a) The existing lease is to be canceled and a new lease executed, or
   b) An appropriate rider is to be prepared and executed by the resident and PHA and made a part of the existing lease.

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D. Lease Agreement Contents

The dwelling lease, executed by the PHA and each adult resident of a dwelling unit, will contain the provisions with respect to the following subjects:

1. Description of Parties and Dwelling Units
2. Members of the Household
3. Rental Payments, Late Charges, Lease Term and Renewal
4. Security Deposit
5. Redetermination of Rent, Dwelling Size and Eligibility
6. Occupancy of the Dwelling Unit and Resident Obligations, including Community Service Requirements
7. PHA Obligations
8. Defects Hazardous to Life, Health and Safety
9. Entry of the Dwelling Unit during Occupancy
10. Utilities
11. Maintenance, Repairs and Services
12. Abandonment and Abandoned Property
13. Notices
14. Notice Procedures
15. Termination of Lease
16. Grievance Procedures
17. Modification of the Lease
18. Accommodation of Persons with Disabilities
19. Warranties and Representation of the Resident
20. PHA's Commitment to Investigate Misrepresentations and Pursue Remedies
21. Solicitation, Trespassing and Exclusion of Non-Residents

E. Additional Lease Provisions

1. Persons convicted of manufacturing or producing amphetamine on the premises of public housing will have their assistance permanently terminated.
2. Any person residing in public housing identified by the PHA as having fled to avoid prosecution, custody or confinement after a conviction of a felony, and/or in violation of a condition of probation or parole imposed under Federal or State law will have their lease terminated.
3. The PHA will notify the Post Office of any family evicted for criminal and/or drug/alcohol abuse.

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F. Specific Data Required

1. Each lease shall specify:
   a) The unit to be occupied,
   b) The date of admission,
   c) The size of the unit to be occupied,
   d) All family members who will live in the unit,
   e) The TTP or Tenant Rent (whichever is applicable),
   f) Security deposit to be charged, the utility allowances, other charges under the lease,
   g) The terms of occupancy.
2. It shall be explained in detail to the applicant and his/her family before he/she executes the lease.
3. The lease shall be kept current at all times.
4. The Head of Household of each family accepted as a resident is required to execute a lease agreement prior to actual admission.
5. All household members eighteen (18) years of age or older will be required to sign the lease.
6. One copy of the lease will be given to the lessee and the original will be filed as part of the permanent records established for the family.

G. Termination of Lease

Termination of the lease will be in accordance with the provisions of the lease the resident has signed.

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CHAPTER 18. Reexaminations

To assure that residency in public housing is restricted to families meeting the eligibility requirements for continued occupancy and that such families are charged appropriate rents.

1. Income-Based Rent: For families who are paying income-based rent, the PHA must conduct a reexamination of family income, composition and compliance with community service and self-sufficiency requirements at least annually (every 12 months). The PHA shall make the appropriate adjustments in the family rent after consultation with the family and verification of the family's annual reexamination information.
2. Flat Rent: For families who are paying flat rent, the PHA must conduct a reexamination of family composition, compliance with community service and self-sufficiency requirements, and other criteria related to continued occupancy at least annually (every 12 months). The PHA must conduct a reexamination of family income at least once every three years.

   At its discretion, the PHA may establish a policy requiring reexaminations of families paying flat rent at more frequent intervals, but not more frequently than annually unless the family requests a reexamination based on hardship circumstances
3. The PHA may require the family to move to an appropriate unit size based on the results of the reexamination.
4. The family must supply any information requested by the PHA or HUD for use in a regularly scheduled or interim reexamination of family income, and composition in accordance with HUD requirements. Failure to do so will be considered to be a material violation of the Dwelling Lease and the PHA may terminate the Lease.

A. General Redetermination Requirements

The following requirements apply to all residents.

1. If the resident requests to add a new member(s), the resident must disclose the SSN of the new member to be added and provide documentation of the SSN to the PHA. Disclosure and documentation for the new member to be added must be provided at the time of request to add new household member.

   The new household member cannot be added to the family composition until the family has complied with the SSN disclosure and documentation requirements.
2. The effective date of an annual reexamination requires a thirty (30) day notice prior to the effective date. Rent increases or decreases are always effective the first day of the month.
3. Community Service and Self-Sufficiency Requirement (CSSR)

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

   a) The Quality Housing and Work Responsibility Act 1998 mandates that each non-exempt adult family member (18 years old or older) who resides in public housing must contribute either eight (8) hours of community service per month or participate in an economic self-sufficiency program for eight (8) hours per month, or perform a combination of eight (8) hours of community service and participation in an economic self-sufficiency program per month.

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The required community service contribution or self-sufficiency participation, or combination of both activities, may be completed at 8 hours each month or aggregated throughout the year, as long as 96 hours is completed by each annual reexamination.

b) The effective date of participation for all non-exempt family members is the date the family executes the lease containing the CSSR requirement. New admissions, as well as families in occupancy, are affected by this requirement.

c) The PHA will provide written notice to all applicants and residents of the CSSR requirement and describe the process to determine which family members are exempt from the requirement and the process to change the exemption status of family members.

d) The PHA will make the activities available to non-exempt family members through a contractor or partnership with qualifying organizations, including resident organizations, faith-based, and community agencies/organizations or institutions.

(1) The PHA will provide names and contact information of agencies offering opportunities for residents, including persons with disabilities, to comply with the CSSR requirements.

(2) The PHA will choose to coordinate with social service agencies, local schools, and human service offices to develop a referral list of names and agency contacts.

The PHA will create an agreement with the local organizations to allow the organizations to advertise their program, assist with transportation, childcare or other barriers and be able to verify the CSSR hours completed by the non-exempt family members.

e) Community Service Activities: The PHA will provide guidance and a list of acceptable activities or advance approval of a community service activity to avoid the possibility of refusing to recognize the activity as eligible after the non-exempt family member performs it.

(1) Eligible community service activities include, but are not limited to:

a. Local public or nonprofit institutions, such as schools, Head Start Programs, before-or after-school programs, child care centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing);

b. Nonprofit organizations serving PHA residents or their children, such as: Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, Police Activities League (PAL), organized children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Centers, community clean-up programs, beautification programs;

c. Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels;

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d. Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts;

e. PHA housing to improve grounds or provide gardens (so long as such work does not alter the PHA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board, outreach and assistance with PHA-run self-sufficiency activities including supporting computer learning centers; and,

The PHA will accept community services activities performed at for profit-motivated entities, volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based community service.

The PHA will not substitute community service activity performed by a non-exempt family member for work ordinarily performed by a PHA employee. The non-exempt family member may perform community service on PHA property or with or through PHA programs to assist with or enhance work done by a PHA employee.

f) Economic Self-Sufficiency Activity: Is any program designed to encourage, assist, train, or facilitate the economic independence of assisted families or to provide work experience for such families. It includes any work activities as defined in the Social Security Act.

(1) Eligible economic self-sufficiency activities include, but are not limited to:

a. Job readiness or job training while not employed;

b. Training programs through local One-Stop Career Centers, Workforce Investment Boards (local entities administered through the U.S. Department of Labor), or other training providers;

c. Higher education (junior college or college);

d. Apprenticeships (formal or informal);

e. Substance abuse or mental health counseling;

f. Reading, financial and/or computer literacy classes;

g. English as a second language and/or English proficiency classes;

h. Budgeting and credit counseling.

g) Exempt Residents: The following family members are exempted from the CSSR requirements:

(1) The elderly, age sixty-two (62) years of age or older;

(2) Blind or disabled as defined under law and who certify that because of this disability, he/she is unable to comply with the CSSR requirement;

a. Existing documentation will be accepted as evidence of disability; however, disabled family members are not automatically exempt from the requirement.

(3) A family member who is the primary caretaker for someone who is blind or disabled.

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(4) An adult family member engaged in work activities. The PHA will consider twenty (20) hours per week as the minimum number of hours for a work activity.

a. The non-exempt family member must be participating in one of the following work activities:

i. Unsubsidized employment;

ii. Subsidized private-sector employment;

iii. Subsidized public-sector employment;

iv. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

v. On-the-job-training;

vi. Job-search;

vii. Community service programs;

viii. Vocational educational training (not to exceed 12 months with respect to any individual);

ix. Job-skills training directly related to employment;

x. Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; and

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

(5) A family member who meets the requirements of being exempted for having to engage in a work activity under the State program funded under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the PHA is located, including a State-administered Welfare-to-Work program;

(6) A family member receiving assistance, benefits, or services under a State program funded under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other State welfare program (Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP)) in which the PHA is located, including a State-administered Welfare-to-Work program, and who is in compliance with the requirements of such program.

(7) Change in exempt status:

a. When a non-exempt family member becomes exempt, it is his/her responsibility to report the change in exempt status and provide documentation to the PHA.

b. When an exempt family member becomes non-exempt, it is his/her responsibility to report the change in status to the PHA.

The PHA will make the final determination whether to grant an exemption from CSSR. If a resident does not agree with the PHA's determination, the resident has the right to dispute the decision through the grievance process.

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h) At lease execution or annual reexamination all adult family members of a public housing resident family must:

(1) Provide documentation, if applicable, that they qualify for an exemption from CSSR; and

(2) Sign the CSSR Certification that they have received and read the CSSR Policy and understand that failure to comply with CSSR requirements will result in non-renewal of their lease, unless they are exempt for the CSSR requirement.

(3) The effective date of participation of all non-exempt family members is the date the family executes the lease containing the CSSR requirement.

i) The PHA will verify annually exemptions to the CSSR requirement and completions of the CSSR requirements for non-exempt family members.

(1) At least 30 days before the annual reexamination and/or lease expiration, the PHA will review the exempt or non-exempt status and compliance of non-exempt adult family members.

(2) At each regularly schedule rent reexamination, each non-exempt family member must present a signed certification, on a form provided by the PHA, of their CSSR activities performed over the previous twelve (12) months.

(3) The PHA will obtain third-party verification of the completion of CSSR activity completed outside of the PHA.

j) The PHA will not evict a family due to non-compliance with CSSR requirements. The PHA will provide a written notification to the family which must include:

(1) A brief description of the finding of non-compliance with CSSR.

(2) A statement that the PHA will not renew the lease at the end of the current 12-month lease term unless the tenant enters into a written Work-Out Agreement with the PHA or the family provides written assurance that is satisfactory to the PHA explaining that the tenant or other non-compliant resident no longer resides in the unit.

The Work-Out Agreement will include:

a. The means which the non-compliant non-exempt family member will comply with the CSSR requirement;

b. The number of delinquent CSSR hours;

c. How the delinquent hours will be remedied during the next 12 months; and

d. The number of hours, if any, that will be required under the new lease.

k) The PHA will enforce the Work-Out Agreement. If a family refuses to sign or fails to comply with the terms of the written Work-Out Agreement, the PHA will initiate termination of the tenancy at the end of the current 12-month lease. The termination is due to the family's failure to comply with lease requirements.

The PHA will provide the following when initiating the termination of tenancy:

(1) A thirty (30) day notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease;

(2) The tenant's right to request a grievance hearing on the PHA's determination;

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(3) The tenant's right to exercise any available judicial remedy to see timely redress for the PHA's nonrenewal of the lease because of noncompliance with the CSSR requirements;

(4) The tenant's rights to be represented by counsel;

(5) Opportunity for the tenant to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and,

(6) A decision on the merits.

(7) The right to request reasonable accommodations during the grievance process.

4. CSSR: Tenant Self-Certification for CSSR

   The PHA will accept a resident's signed self-certification of compliance with the Community Service and Self-Sufficiency Requirement. The PHA will obtain third-party verification of CSSR completion administered through an outside organization. A copy of the CSSR self-certification form and supporting documents will be filed in the resident's file. The PHA will notify residents that CSSR self-certifications may be subject to verification audits.

5. Adjustments resulting from changes in welfare benefits will be handled as follows:

   a) A family's loss of welfare benefits due to the expiration of the lifetime time limit is not considered as fraud or noncompliance with economic self-sufficiency requirements. The PHA will lower the family's rent.

   b) A family whose welfare benefits are reduced because of fraud or noncompliance with economic self-sufficiency requirements will not have its rent reduced.

   c) A welfare agency may reduce welfare benefit payments to sanction a family for non-compliance with welfare self-sufficiency or work activities requirements. The rental contribution of a family assisted in the public housing program may not be reduced for this reason. The law requires that family income include the amount of the welfare benefits that would have been paid if not for the welfare agency sanction. For purposes of this section, the PHA will use the "imputed welfare income" (see definitions) to determine the family's annual income.

   d) A family's annual income includes the imputed welfare income plus the total amount of other annual income; however, the amount of imputed annual income is offset by income from other sources received by the family that start after the sanction is imposed.

   e) The family's rent will not be adjusted until the basis for the reduction is confirmed through third-party verification and the return envelope will be retained in the resident's file. At the request of the PHA, the welfare agency is to inform the PHA in writing of the amount and term of any specified welfare benefit reduction and the reason for such reduction. Therefore, the PHA is entitled to base its imputed income on the information provided to it by the welfare agency and is not responsible for confirming the accuracy of the welfare agency's calculation.

   f) The PHA must make its best effort to enter into cooperation agreements with welfare agencies to comply with this requirement.

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g) If a family claims that the PHA has not correctly calculated the amount of the imputed welfare income, and if the PHA denies the family's request to modify such amount, the PHA will notify the family in writing with a brief explanation of the basis for their determination. The notice must state that the family has the right to a hearing through the PHA's Grievance Procedures without paying a deposit in escrow.

6. If the PHA determines that a resident has falsified or misrepresented family income, composition, circumstances, conduct or behavior, the PHA will:
   a) Require the resident to pay the difference between the TTP the resident is currently paying and the TTP the resident should have been paying;
   b) Evict the resident in accordance with state law and HUD regulations; or
   c) Take such other remedial action as the PHA may deem necessary under pertinent HUD and PHA laws, rules and regulations.
7. The family must have demonstrated satisfactory past performance in meeting financial obligations, especially rent.
8. The family must have no record of the disturbance of neighbors, destruction of property, or living or housekeeping habits that adversely affect the health, safety, or welfare of other residents.
9. The family must have no history of criminal activity involving crimes of physical violence to persons or property or other drug-related criminal acts or evidence of a pattern of alcohol abuse which adversely affect the health, safety, or welfare of other residents.
10. If at the time of redetermination, or at any time during occupancy, it is determined by the PHA that any household member has been convicted of manufacturing or producing methamphetamine on the premises of any federally assisted housing, the family is required to have its assistance permanently terminated. Such termination is not subject to the PHA's Grievance Procedures.
11. The family may request an interim redetermination of income or composition based on any changes since the last determination.
    a) The PHA will conduct the redetermination within five (5) working days of the request.
    b) The PHA has a policy on income level changes which must be reported and when rent adjustments will be made. (See Fixed Rent System later in this Section.)
12. Any change in income resulting from the redetermination is annualized, even if the income is not expected to last for a full year. If the income changes again, the new amount of monthly income will be annualized again.
13. If at the time of annual recertification, a family's present conditions of employment are too unstable to project the adjusted income for the coming twelve (12)-month period for the purpose of determining TTP, a special reexamination will be scheduled.
    a) This special reexamination will take place on a date by which the PHA estimates that the family's circumstances will be stable.
    b) If at the time of such special reexamination it is still not possible to make a reasonable estimate of the adjusted income, the PHA will continue to schedule special reexaminations until such time as a reasonable estimate of the adjusted income can be made.

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c) Rent increases determined at special reexaminations shall be made effective the first of the second month following the final determinations.

B. Permissible Deductions

The PHA has elected not to have permissible deductions.

C. Interim Rent Adjustments: Fixed Rent System

1. Rent Adjustments

Residents must report all changes in family composition and/or income, in writing, to the management within ten (10) calendar days of the occurrence. Failure to report within the ten (10) calendar days may result in a retroactive rent charge.

PHA will process interim changes in rent in accordance with the chart below:

INCOME CHANGE CHART	
Income Change	**PHA Action**
Decrease in income for any reason except for decrease that lasts less than 30 days.	The PHA will process an interim adjustment in rent. An interim adjustment will not be processed if the decrease will last less than 30 days.
Increase in earned income due to the employment of a formerly unemployed current household member who is not qualified for the 24 month earned income disallowance.	The PHA will process an interim rent adjustment. This rent increase will be effective on the first day of the second month following the income increase.
Increase in unearned income.	The PHA will defer the increase to the next regular reexamination.
Increase in income because a person with income (from any source) joins the household.	The PHA will process an interim rent adjustment. This rent increase will be effective on the first day of the second month following the income increase.
Increase in earned income due to a current increase or change of employment of a current household member.	The PHA will defer the increase until the next regular re-examination.
Increase in income due to start of a new source of unearned income.	The PHA will process an interim re-adjustment effective the first of the second month following receipt of new unearned income to household.
Increase in earned income subject to the 24 month disallowance.	The PHA will exclude 100% of the qualified increase for 12 months and 50% of the qualified increase for an additional 12 months. The combined exclusion periods may not exceed a total of 24 months. The PHA will process interim re-certifications to be effective on the 13th month after each exclusion period.

This is the so-called "Fixed Rent System". PHA may elect to increase resident rent at an Interim Readjustment due to any increase in income (the "Interim Rent System") or for selected increases in income stated in the lease.

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2. Residents with seasonal or part-time employment of a cyclical nature will be asked for third-party documentation of the circumstances of their employment including starting and ending dates.
3. The PHA will process an interim adjustment in rent if it is found that the resident at an annual or interim reexamination has misrepresented the facts upon which the rent is based so that the rent the resident is paying is less than the rent that he/she should have been charged. The PHA will apply any increase in rent retroactive to the first of the month following the month in which the misrepresentation occurred.
4. Complete justification and verification of the circumstances applicable to rent adjustments must be documented by the resident and approved by the Executive Director and/or his/her designee.
5. The PHA will process interim adjustments in rent accordance with the following policy:
   a) When a decrease in income is reported, and the PHA receives confirmation that the decrease will last less than thirty (30) days, an interim adjustment will not be processed.
   b) Residents reporting decreases in income that are expected to last more than thirty (30) days will have an interim adjustment processed.
6. Residents granted a reduction in rent under these provisions might be required to report for special reexaminations at intervals determined by the Housing Manager. Reporting is required until the circumstances cease or until it is time for the next regularly scheduled reexamination, whichever occurs first. If family income increases during this time, the rent will be increased accordingly. A fully documented record of the circumstances and decisions shall be included in the resident's folder.
7. Residents will be notified in writing of any rent adjustment and such notice will state the effective date of the adjustment.
8. Rent decreases go into effect the first month following the PHA's verification of the reported change. Failure to report a decrease will not result in retroactive action.
9. Rent increases (except those due to misrepresentation) require thirty (30) days' notice.

D. Failure to Report Accurate Information

If it is found that the resident has misrepresented or failed to report to management the facts on which his/her rent is based so that the rent being paid is less than what should have been charged, then the increase in rent will be made retroactive. Failure to report accurate information is also grounds for initiating eviction proceedings in accordance with the PHA's dwelling lease.

E. Preservation of Mixed Families-Calculation of Rent

The following types of assistance are available only to families who were assisted as of June 19, 1995. These types of assistance would be offered a family during the reexamination process if the family contends that one or more family members do not have eligible immigration status or that no family members have status. The assistance may also be offered when the appeals process with USCIS and the Grievance Procedures with the PHA have all been exhausted.

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1. Continued Assistance

   Continued assistance is available to a mixed family only if all of the following conditions are met:

   a) The family was receiving assistance under a Section 214 covered program on June 19, 1995;

   b) The family's head of household or spouse has eligible immigration status; and

   c) The family does not include any person (who does not have eligible immigration status) other than:

      (1) The head of household;

      (2) Any spouse of the head of household;

      (3) Any parents of the head of household;

      (4) Any parents of the spouse; or

      (5) Any children of the head of household or spouse.

   For continued assistance only, children who are only under guardianship or who are stepchildren, but not natural children of either the head of household or spouse, do not meet the criteria of child for this restricted definition of family.

   Continued assistance means the family's rent is calculated in the same manner as a family where all members are eligible. Families who do not qualify for continued assistance will be offered either prorated assistance or temporary deferral of termination of assistance as outlined in this policy.

2. Proration of Assistance

   Prorated assistance applies to a mixed family other than a family receiving continued assistance, or other than a family who is eligible for and requests and receives temporary deferral of termination of assistance. An eligible family who requests prorated assistance must be provided prorated assistance.

   The PHA shall prorate the mixed family's rent using the following Steps:

   <u>Step 1</u>: Determine the Total Tenant Payment (TTP).

   The TTP will be the highest of the following amounts:

   a) 30 percent (30%) of the family monthly adjusted income;
   b) 10 percent (10%) of the family's monthly income; or
   c) The minimum rent

   Annual income includes income of all family members, including any family member who has not established eligible immigration status.

   <u>Step 2</u>: The Family Maximum Rent is equal to the applicable flat rent for the unit size to be occupied by the family.

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Step 3: Subtract the TTP from the PHA-established flat rent applicable to the unit.

The result is the Maximum Subsidy for which the family could qualify if all members were eligible ("Family Maximum Subsidy").

Step 4: Divide the Family Maximum Subsidy by the number of persons in the family (all persons) to determine the Maximum Subsidy per each family member who has citizenship or eligible immigration status ("Eligible Family Member").

The subsidy per eligible family member is the "Member Maximum Subsidy."

Step 5: Multiply the Member Maximum Subsidy by the number of family members who have citizenship or eligible immigration status ("eligible family members").

The product of this calculation is the amount of subsidy for which the family is eligible ("Eligible Subsidy").

Step 6: The mixed family TTP is the Maximum Rent minus the amount of the Eligible Subsidy.

When the mixed family's TTP is greater than the flat rent, the PHA must use the TTP as the mixed family TTP.

Step 7: The PHA subtracts from the mixed family TTP any established utility allowance, and the sum become the Mixed Family Rent.

3. Temporary Deferral of Termination of Assistance

Temporary deferral of termination of assistance is available to a mixed family who qualifies for prorated assistance, and does not qualify for continued assistance, but decides not to accept prorated assistance. Temporary deferral of termination of assistance is available to a family who has no family members with eligible status. The deferral period is to allow the family time for the orderly transition of those family members who are ineligible, and any other family members involved, to seek other affordable housing.

a) The family will be given written notice on the PHA's decision concerning the family's qualifications for assistance under this section. If the family is not eligible for assistance under this section, the notification will state the reasons, based on relevant factors. Resident families will be notified of any applicable appeal rights.

b) For purposes of temporary deferral of termination of assistance, affordable housing is defined as:

   (1) Unassisted;

   (2) Not substandard;

   (3) An appropriate size for the family; and

   (4) Can be rented for an amount not to exceed the amount that the family pays for rent, including utilities, plus twenty-five percent (25%).

   The process for the PHA and family is as follows:

c) The PHA will notify the family that the family has chosen temporary deferral of termination of assistance or that there are no eligible family members and therefore, the family only qualifies for temporary deferral of termination of assistance. The family

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will be notified that they are ineligible for financial assistance and the PHA will offer the family information concerning and referrals to assist in finding other affordable housing.

d) The family will initially be given a maximum of six (6) months to seek affordable housing as defined above.

e) The initial period may be renewed for additional periods of six (6) months, but the aggregate deferral period shall not exceed eighteen (18) months.

f) Prior to the end of the deferral period, the PHA must:

(1) Make a determination of the availability of affordable housing of appropriate size based on evidence of conditions that when taken together will demonstrate an inadequate supply of affordable housing. The determination will include the PHA's knowledge of the local housing market and the resident family's search for appropriate housing.

(2) At least sixty (60) days prior to the expiration date of the deferral period, the family will be notified in writing that:

a. The termination will be deferred for another six (6) months and that there was a determination made that there is no affordable housing (providing the extension will not exceed an aggregate of 18 months); or

b. The termination of financial assistance will not be deferred because either the aggregate period of eighteen (18) months has been reached or that a determination has been made that there is affordable housing available.

c. The eighteen (18) month time limit is effective November 26, 1996 and does not apply to those families under the original three (3) year limitation.

g) The family has a choice to request prorated assistance at the end of the temporary deferral of assistance period if a good faith effort has been made to locate affordable housing and there is at least one family member with eligible immigration status.

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CHAPTER 19. Family Debts to the PHA

A. Repayment Agreement for Families

A Repayment Agreement is a document entered into between the PHA and a person (i.e., applicant, tenant, previous tenant) who owes a debt to the PHA. It is similar to a promissory note but contains more details regarding the nature of the debt, the terms of repayment, special provisions of the agreement, and the remedies available to the PHA upon default of the agreement.

1. The PHA allows for the establishment of a repayment agreement if the family owes the PHA monies due to any of the following:
   a) Delinquent charges for damages;
   b) Delinquent charges for excess utility payments;
   c) Retro-active rent;
   d) EIV Discrepancy Report;
   e) Under-reported income; and
   f) Misreported income.

   A repayment agreement will be executed between the PHA, the head of household and spouse, and include any other adult household member who falls into any of the above categories for owing monies rent to the PHA.
2. Repayment Agreement with Family
   a) The family shall be required to pay retroactive rent resulting from the tenant being charged less rent than required by HUD's rent formula due to, among other things, tenant's underreporting or failure to report income.
      (1) The PHA shall determine the retroactive rent amount as far back as the PHA is able to document the family's unreported or underreported income, unreported changes, or other misrepresented income or family circumstances.
   b) Upon determination of the amount owed, the family shall be required to pay the amount in full or enter into a Repayment Agreement. If the tenant refuses to enter into a repayment agreement or fails to make payments on the repayment agreement, the PHA shall terminate the family's tenancy.
   c) The Repayment Agreement shall clearly state the amount of the total amount payable by the tenant to the PHA in addition to the family's regular monthly rent.
   d) The repayment time period in which the retroactive rent balance is to be paid to the PHA shall be based on the determined monthly repayment amount and the original retroactive balance. The PHA shall have full discretion in establishing the number of months in the repayment agreement for the family to pay the debt. The monthly retroactive rent payment plus the amount of rent the tenant pays at the time the repayment agreement is executed should be affordable and not exceed 40 percent of the family's monthly adjusted income. However, PHA has the discretion to establish

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thresholds and policies for repayment agreements in addition to HUD required procedures.

e) A minimum rent hardship exemption previously granted to a family owing retro-active rent will be automatically revoked and the family will be required to pay the retro-active rent in full or enter into a repayment agreement for any retroactive rent owed, including rent owed during the hardship exemption period.

f) The terms of a repayment agreement may be renegotiated if there is a decrease or increase in the family's income.

g) The PHA is required to and therefore shall report the terms of the executed repayment agreement and any unpaid debts to the PHA to the U. S. Department of Housing and Urban Development.

3. Repayment Agreement with Previous Public Housing Tenant or Section 8 Program Participant

In some instances, a family who was previously on a federally assisted housing program moved owing the PHA or some other PHA a debt.

a) If such a family applies for housing and during the application process it is found that the applicant was a previous tenant/participant who left owing a debt, the PHA will require the applicant to pay the debt in full. A repayment agreement will not be accepted in these circumstances.

b) If the applicant owes any other housing authority a debt the PHA will require the applicant to provide documentation from the other PHA that the debt has been satisfactorily paid.

4. Late Payments

Late and missed retroactive rent payments by the family shall constitute default of the repayment agreement.

a) A payment will be considered to be in arrears if the payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be the close of the next business day.

b) If the family's repayment agreement is in arrears, the PHA may:

(1) Require the family to pay the balance in-full;

(2) Pursue civil collection of the balance due; and

(3) Terminate the tenancy if the balance is not paid.

5. There are some circumstances in which the PHA will not enter into a repayment agreement. These are as follows:

a) If the family already has a repayment agreement in place;

b) If the PHA determines that the family has committed program fraud.

c) If the family previously defaulted on a repayment agreement the PHA is not required to enter into another repayment agreement.

d) If the family owes the PHA or any other PHA a debt and is trying to move into housing, the debt must be paid in full first.

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6. Guidelines for Repayment Agreements
   a) No transfer will be approved until the debt to the PHA is paid-in-full, unless the move is the result of the following causes, and the repayment agreement is current:
      (1) Family size exceeds the maximum occupancy standards;
      (2) A natural disaster;
      (3) Verified evidence of family violence/spousal or child abuse;
      (4) Protection of witnesses to violent crime as verified by a law enforcement agency or District Attorney; and
      (5) Victim of hate crimes.
   b) If a request to transfer is denied, the family will be advised in writing of the reasons therefore and advised of their right to request an informal hearing.
7. Additional Monies Owed

   If the family has a repayment agreement in place and incurs an additional debt to the PHA:

   a) The PHA will demand payment of the new debt in-full within ninety (90) days if the repayment plan the family is already under is current.
   b) The PHA will not enter into more than one repayment agreement at a time with the same family.
   c) If a repayment agreement already in place is in arrears more than five (5) days, any new debts must be paid-in-full by the first of the second month following the assessment of the debt. Failure to meet these time frames will result in the PHA issuing a notice to terminate.

B. Remaining Family Members and Prior Debt

1. As a party to the lease, remaining members of a resident family (other than head or spouse) eighteen (18) years of age or older will be responsible for any back rent, charges or other indebtedness incurred by the former head or spouse.
2. Remaining family members under the age of eighteen (18) shall not be held responsible for any back rent incurred by the former head of household.

C. Debts Due to Fraud/Non-Reporting of Income

HUD's definition of program fraud and abuse is a single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead.

D. Family Error/Late Reporting

Families who owe money to the PHA due to the family's failure to report increases in income will be required to repay, in accordance with the repayment policies for program fraud (See following paragraph).

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E. Program Fraud

1. Families who owe money to the PHA due to program fraud will be required to repay it in accordance with the repayment policies for program fraud below.
2. Where appropriate, the PHA may refer the case for criminal prosecution.

F. Repayment Policies for Program Fraud

Families who commit program fraud (or untimely reporting of increases in income) will be subject to the following:

1. Time period for a repayment agreement shall be determined on a case-by-case basis and shall be based upon:
   a) Type and nature of the fraud;
   b) Ability to make repayment; and
   c) Amount of repayment.
2. The family may be required to pre-pay any of the amount owed prior to, or upon the execution of, the repayment agreement.
3. The minimum monthly payment shall be appropriate considering the requirement of the PHA and items 1.a., 1.b., and 1.c. above.

G. Writing-off Debts

Debts will be written off if:

1. The debtor's whereabouts are unknown, and the debt is more than one (1) year old;
2. The debtor is deceased; or
3. The debt has been determined uncollectible.

Writing a debt off the books does not relieve the former tenant from it's obligation to pay. The debt will be reported to HUD. If the family applies for housing assistance in the future, the debt must be cleared before the application will be approved.

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CHAPTER 20. Program Integrity

A. Investigation of Suspected Abuse and Fraud

The PHA will initiate an investigation of a participating family in the event of one or more of the following circumstances:

1. Referrals, Complaints or Tips. The PHA will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a family is in non-compliance with, or otherwise violating the lease or any other program rules.
   a) Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable.
   b) A copy of the allegation will be retained in the resident's file.
   c) Anonymous complaints will be investigated if the information received contains specific allegations that can be independently verified.
   d) If the anonymous complaint is not specific, the information will be retained in files, but will not be used to initiate investigations.
2. Internal File Review. A follow-up will be made if PHA staff discovers (as a function of a certification or recertification, an interim redetermination, or a quality control review), information or facts which conflict with previous file data, the PHA's knowledge of the family, or deviates from statements made by the family.
3. Verification or Documentation. A follow-up will be made if the PHA receives up-front verification, independent verification or documentation that conflicts with representations in the family's file (such as public record information, or credit bureau report, or reports from other agencies).

B. Steps to Detect Program Abuse and Fraud

1. Quality Control File Reviews. On a random basis (at least 5% of files processed each month) resident files will be reviewed for accuracy and completeness. A knowledgeable staff member who was not directly involved in the processing of that applicant/resident file will complete these reviews. Such reviews shall include, but are not limited to:
   a) Assurance that verification of all income and deductions is present;
   b) Changes in reported Social Security Numbers or dates of birth are noted;
   c) File documents are authentic and, where applicable, are signed and dated;
   d) Ratio between reported income and expenditures is accurately computed; or
   e) Signatures are consistent with previously signed file documents.
2. The PHA staff (to include inspection and maintenance personnel) will maintain high awareness of circumstances that may indicate program abuse or fraud, such as unauthorized persons residing in the household and indications of unreported income. The observations will be documented in the family's PHA file.

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3. Credit Bureau inquiries may be made (with proper authorization by the resident) in the following circumstances:
   a) At the time of the final eligibility determination if the information provided by the applicant conflicts with information obtained through outside sources or third-party verifications.
   b) When the PHA receives an allegation wherein unreported income sources are disclosed.
   c) When a participant's expenditures exceed his/her reported income and no plausible explanation is given.

C. Handling of Allegations of Possible Abuse and Fraud

The PHA will review allegations that contain one or more independently verifiable facts.

1. An internal file review will be conducted to determine:
   a) If the subject of the allegation is a resident of the PHA and, if so, to determine whether or not the information reported has been previously disclosed by the family.
   b) It will then be determined if the PHA is the most appropriate authority to do a follow-up (more so than police or social service). Any file documentation of past behavior, as well as corroborating complaints, will be evaluated.
2. If, at the conclusion of the preliminary file review, there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the staff will initiate an investigation to determine if the allegation is true or false.

D. Investigations of Allegations of Abuse and Fraud

If the PHA determines that an allegation or referral warrants follow-up, the staff person who is responsible for the file will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include the items listed below. In all cases, the PHA will secure the written authorization from the resident for the release of information.

1. *Credit Bureau Inquiries (CBI).* In cases involving previously unreported income sources, a CBI may be made to determine if there is financial activity that conflicts with the reported income of the family.
2. *Verification of Credit*. In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.
3. *Employers and Ex-Employers*. Employers or ex-employers may be contacted to verify wages that may have been previously undisclosed or misreported.
4. *Neighbors/Witnesses*. Neighbors and/or other witnesses may be interviewed if it is believed that they have direct or indirect knowledge of facts pertaining to the PHA's review.
5. *Other Agencies*. Investigators, caseworkers or representatives of other benefit agencies may be contacted.
6. *Public Records.* If relevant, the PHA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are; real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.

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7. *Interviews with Head of Household or Other Family Members*. The PHA will discuss the allegation (or details thereof) with the head of household or family member by scheduling an appointment at the PHA office.

   The PHA staff person who conducts such interviews will maintain a high standard of courtesy and professionalism. Management will not tolerate inflammatory language, accusations, or any unprofessional conduct or language under any circumstances. If possible, an additional staff person will attend such interviews.

E. Evidence and Statements Obtained by the PHA

Documents and other evidence obtained by the PHA during the course of an investigation will be kept in the resident's file, or in a separate "work file."

F. Evaluation of the Findings

If it is determined that a program violation has occurred, the PHA will review the facts to determine:

1. The type of violation (procedural, non-compliance, fraud);
2. Whether the violation was intentional or unintentional;
3. What amount of money (if any) is owed by the resident;
4. If the family is eligible for continued occupancy.

G. Action Policies for Violations that Have Been Documented

Once a program violation has been documented, the PHA will propose the most appropriate remedy based upon the type and severity of the violation.

1. Procedural Non-Compliance. This category applies when the resident "fails to" observe a procedure or requirement of the PHA, but does not misrepresent a material fact, and there is no retroactive rent owed by the family.
   a) Examples of non-compliance violations are:
      (1) Failure to appear at a pre-scheduled appointment; and
      (2) Failure to return verification in the time period specified by the PHA.
   b) Warning Notice to the Family. In such cases, a notice will be sent to the family that contains the following:
      (1) A description of the non-compliance and the procedure, policy or obligation, which was violated;
      (2) The date by which the violation must be corrected, or the procedure complied with;
      (3) The action, which will be taken by the PHA if the procedure or obligation is not complied with by the date specified by the PHA; or
      (4) The consequences of repeated (similar) violations.
2. Procedural Non-Compliance, Retroactive Rent. When the family owes money to the PHA for failure to report changes in income or assets, the PHA will issue a Notification of Unpaid Rent. This notice will contain the following:
   a) A description of the violation and the date(s);

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b) Any amounts owed to the PHA;

c) A ten (10) business days' response period;

d) The right to disagree and to request an informal hearing with instructions for the request of such hearing.

(1) The Resident Fails to Comply with PHA's Notice. If the resident fails to comply with PHA's notice, and a material provision of the lease has been violated, the PHA will initiate termination of tenancy.

(2) The Resident Complies with PHA's Notice. When a resident complies with the PHA's notice, the staff person responsible will meet with him/her to discuss and explain the lease provision that was violated. The staff person will complete a Tenant Counseling Report, give one copy to the family and retain a copy in the resident's file.

H. Misrepresentations

When a resident falsifies, misstates, omits, or otherwise, misrepresents a material fact which results (or would have resulted) in an underpayment of rent by the resident, the PHA will evaluate whether or not the resident had knowledge that his/her actions were wrong, and whether the resident willfully violated the lease or the law.

1. *Knowledge that the action or inaction was wrong*. This will be evaluated by determining if the resident was made aware of program requirements and prohibitions. The resident's signature on various certifications, Personal Declaration and Things You Should Know are adequate to establish knowledge of wrongdoing.

2. *The resident willfully violated the law.* Any of the following circumstances will be considered adequate to demonstrate willful intent:

(1) An admission by the resident of the misrepresentation;

(2) The act was done repeatedly;

(3) A false name or Social Security Number was used;

(4) There were admissions to others of the illegal action or omission;

(5) The resident omitted material facts, which were known to him/her (e.g., employment of self or other household members);

(6) The resident falsified, forged or altered documents; and

(7) The resident uttered and certified to statements at a rent (re) determination, which were later independently verified to be false.

I. The Tenant Conference for Serious Violations and Misrepresentations

When the PHA has established that material misrepresentation(s) has occurred, a Tenant Conference will be scheduled with the family representative and the PHA staff person who is most knowledgeable about the circumstances of the case.

1. This conference will take place prior to any proposed action by the PHA. The purpose of such conference is to review the information and evidence obtained by the PHA with the resident, and to provide the resident an opportunity to explain any documented findings which conflict with representations in the resident's file. The PHA will take into

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consideration any documents or mitigating circumstances presented by the resident. The resident will be given five (5) business days to furnish any mitigating evidence.

2. A secondary purpose of the Tenant Conference is to assist the PHA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed actions, the PHA will consider:
   a) The duration of the violation and number of false statements;
   b) The resident's ability to understand the rules;
   c) The resident's willingness to cooperate and to accept responsibility for his/her actions;
   d) The amount of money involved;
   e) The resident's past history; and
   f) Whether or not criminal intent has been established.

J. Disposition of Cases Involving Misrepresentation

In all cases of misrepresentation involving efforts to recover monies owed, the PHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

1. *Criminal Prosecution*: If the PHA has established criminal intent, and the case meets the criteria for prosecution, the PHA will refer the case to the local State or District Attorney, notify HUD's Regional Inspector General for Investigation (RIGI), and terminate rental assistance.
2. *Administrative Remedies*: The PHA will terminate assistance and demand payment of restitution in-full.
3. *PHA Legal Action*: If restitution is not made within thirty (30) days and dollars are owed to the PHA due to participant fraud, the PHA will seek restitution through legal judicial channels.
4. *Continue Assistance*: Contingent upon full lump-sum restitution or minimal term repayment plan **and** warning that repeat of the offense will result in immediate eviction.

K. Notification to Resident of Proposed Action

1. The PHA will notify the resident, by certified mail, of the proposed action no later than three (3) business days after the Tenant Conference.
2. All notices will advise the family of their right to an informal hearing.

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CHAPTER 21. Inspections

Inspection of the PHA facilities and its public housing stock is essential to help the housing authority keep on track towards meeting its mission to provide decent, safe, and sanitary housing to its public housing residents. The primary goal in performing routine inspections is to identify necessary corrections before problems become severe, dangerous, or expensive. HUD's Real Estate Assessment Center (REAC) conducts annual physical inspections of the PHA's properties and the ongoing inspections afford the housing authority the opportunity to be better prepared to correct any deficiencies in readiness for the REAC inspections.

The Dwelling Lease provides that the family allow inspection of the dwelling unit upon receipt of forty-eight hour written notice by the PHA. If there is reasonable cause to believe an emergency exists, the PHA will conduct an inspection without advance written notice.

There are several kinds of inspections which are an integral to the PHA in meeting certain required standards as prescribed by HUD. Inspections may include move-in, move-out, housekeeping, annual, quality control, unit condition, suspected lease violation, and preventive maintenance inspections.

PHA residents need to be aware that anytime a PHA employee is present in the resident's unit they are required to document if the "condition" of the unit and the family's housekeeping practices meet the PHA's Housekeeping Standards. The inspections below are conducted with the resident present when possible.

Photographs may be taken during inspections only of areas relevant to documenting unit conditions, deficiencies, repairs, or corrections. These photographs will be used solely for the purpose of verifying compliance, maintaining inspection records, and supporting enforcement actions if needed.

A. Move-In/Move-out Dwelling Unit Inspections

The dwelling unit and the premises should be inspected jointly by the applicant or resident and a member of the PHA staff. The applicant/resident has the option to be present at these inspections. Both parties will agree on the condition of the dwelling unit by signing the completed inspection form. The PHA will keep the original check-sheet and a copy will be given to the applicant or resident.

1. Move-In Inspection: The move-in inspection provides the applicant family moving in and the PHA with a record of the condition of the unit at time of move-in. The move-in inspection provides the PHA staff inspection to record any deficiencies in the "make-ready" work and report to proper department to correct. In addition, the inspector can record the equipment provided by the PHA in the unit and verify applicable serial numbers. The completed inspection must be signed by both the PHA inspector and the resident and a copy provided to the resident.
2. Move-Out Inspection: The resident will be given notice of said inspection and encouraged to be present during the inspection. The move-out inspection provides documentation of the current condition of the unit and equipment provided in the unit. The inspection will serve as a guide in determining damages above and beyond normal wear and tear when comparing it to the move-in inspection. In addition, it serves to identify needed maintenance and/or repairs and permits the PHA to schedule timely "make-ready" of the unit for the next occupant.

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B. Annual Inspections

The dwelling unit and premises shall be inspected at least annually by the PHA. The Housing Authority is required to conduct the annual inspection in accordance with HUD's Uniform Physical Condition Standards (UPCS). The resident will be given notice of said inspection and encouraged to be present during the inspection. The annual inspection serves as a guide in identify needed maintenance or repairs and to assess any damage above and beyond normal wear and tear. The PHA shall assess charges to the resident for any damage above normal wear and tear.

The inspection form will be kept by the PHA and a copy will be given to the resident if there are deficiencies. Failure of the resident to maintain a safe, decent and sanitary dwelling unit and premises will result in lease termination.

If the unit fails inspection due to housekeeping or tenant caused damages, the resident will be given 10 days to correct the items identified during the inspection, after which a follow-up inspection will be conducted to ensure tenant has corrected the items. The resident may be required to attend housekeeping classes to prevent the possibility of eviction.

C. Time of Inspections

The PHA will inspect the resident's dwelling unit during business hours.

1. Before the resident moves into the unit;
2. Periodically, every month, but not less than annually.
   a) Follow-up with a Housekeeping Inspection will be made if the resident's housekeeping practices or other circumstances require.
   b) The PHA will give the resident appropriate notice at least two (2) days before entry, prior to any inspection, in accordance with the dwelling lease;
3. At move-out. The dwelling unit and the premises will be inspected jointly by the resident and a member of the PHA staff, unless the resident has previously vacated the unit without giving notice to the PHA and is unavailable. In such case, the PHA will inspect the unit independently.
4. At any time that the resident, a PHA employee or other interested person determines that a special inspection is necessary.
5. The PHA may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists.

If the family needs to reschedule an inspection, they must notify the PHA at 24 hours prior to the scheduled inspection. The PHA will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection.

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CHAPTER 22. Other Matters

The following pertains to requirements and/or references to guidelines for other matters involving admissions and occupancy.

A. Lead-Based Paint Notification and Records

1. Applicants

   A notice of the dangers of lead-based paint poisoning and a notice of the advisability and availability of blood lead level screening for children under six (6) years of age will be provided to every applicant family at the time of application.

2. Residents

   a) Residents in any PHA-owned low-income public housing developments constructed prior to 1978 will be notified:

      (1) That the property was constructed prior to 1978;

      (2) That the property may contain lead-based paint;

      (3) Of the hazards of lead-based paint;

      (4) Of the symptoms and treatment of lead-based paint poisoning;

      (5) Of the precautions to be taken to avoid lead-based paint poisoning (including maintenance and removal techniques for elimination such hazards); and

      (6) Of the advisability and availability of blood lead level screening for children under six (6) years of age.

   b) Residents will be advised to notify the PHA if an elevated blood lead condition is identified so that the PHA can initiate testing and abatement actions, if necessary, or relocate the residents to a lead-free dwelling unit.

3. Records

   The PHA will maintain records that provide evidence that the resident and any purchaser of low-income housing developments constructed before 1978 has received the required notification. The signature portion of the notification form will be retained in the PHA's resident file for three (3) years after the resident vacates the dwelling unit.

B. Utility Reimbursement

Where applicable, the PHA will pay the resident a utility reimbursement, as defined in the PHA's Definition section of these policies.

C. Pet Ownership

The dwelling lease establishes the PHA's policy on pet ownership. The PHA has separate policies for family and elderly/disabled Pet Ownership rules.

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D. Transfers

The dwelling lease requires the resident to transfer to a dwelling unit of appropriate size, based on family composition, upon appropriate notice by the PHA that such a dwelling unit is available. The PHA has a separate policy on the Transfers and Transfer Waiting List.

E. Emergency Transfer Plan (ETP)

1. The PHA shall adopt and follow the procedures in a model Emergency Transfer Plan which will provide that a tenant receiving rental assistance through or residing in a unit subsidized under the PHA, who is a victim of domestic violence, dating violence, sexual assault or stalking qualifies for an emergency transfer if:

   a) The tenant expressly requests the transfer; and

   b) The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying (tenant is required to accept the unit; or

   c) In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

      The tenant who is a victim of sexual assault may make an imminent harm request regardless of when or where the sexual assault occurred and the PHA may permit more than 90-calendar days from the date of the sexual assault.

2. The tenant may qualify for either an internal emergency transfer or external transfer:

   a) An internal emergency transfer is the relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.

   b) An external emergency transfer is the relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit.

   The tenant may seek an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.

   The PHA shall maintain existing VAWA strict confidentiality measure in its Emergency Transfer Plan as to not disclose the location of the new unit to the abuser.

   The PHA will make the Emergency Transfer Plan available upon request and when feasible, make the plan publicly available.

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The PHA will keep a record of all emergency transfers requested under it's Emergency Transfer Plan and the outcome of the requests. The PHA shall retain these records for a period of three (3) years or for a period of time as specified by program regulations. The PHA must report the requests and outcomes to HUD annually.

An emergency transfer request must not be construed to supersede any PHA eligibility or other occupancy requirements.

F. Collection

The PHA dwelling lease contains the PHA's policies with respect to the amount of rental payments, the due date, and charges for late payment and returned checks.

G. Termination of Lease

The PHA maintains a separate Termination and Eviction Policy for additional guidance.

H. Grievance Procedures

The PHA maintains a Grievance Procedures policy that is incorporated by reference in the lease and is posted in the Management Office.

I. Community Service/Self-Sufficiency Requirements

The PHA Community Service/Self-Sufficiency Policy has been incorporated within the ACOP.

J. Housekeeping Standards

The dwelling lease establishes the PHA's policy on housekeeping standards. The PHA has separate Housekeeping Standards Policy.

K. Preemption of Restrictions on Placement of Direct Broadcast Satellite, Multi-channel Multipoint Distribution Service and Television Broadcast Antennas

1. Under the Telecommunications Act of 1996 as amended effective January 1999 and October 25, 2000, the Federal Communications Commission (FCC) adopted the Over-The-Air Reception Devices Rule regarding restrictions on viewer's ability to receive video programming signals from direct broadcast satellites (DBS), multi-channel multipoint distribution (wireless cable) providers (MMDS) and television broadcast stations (TVBS).
2. This rule prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming.
3. The rule applies to video antennas including direct-to-home satellite dishes that are less than one meter (39.37") in diameter (any size in Alaska), TV antennas and wireless cable antennas.
4. The rule prohibits most restrictions that:
   a) Unreasonably delay or prevent installation, maintenance or use;
   b) Unreasonably increase the cost of installation, maintenance or use; or
   c) Preclude reception of an acceptable quality signal.
5. The rule applies to acceptable size antennas placed on property that is rented (including public housing) on property which is under the tenant's exclusive use or control (i.e., balconies, patios, designated yard areas, etc.). Local governments and landlords may

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enforce restrictions that do not impair installation, use or maintenance of these antennas as well as restrictions needed for safety or historic preservation.

6. The PHA will not unreasonably restrict the installation of antennas by residents if:
   a) The unit has a tenant use only area such as a balcony, patio or designated yard area for which they are solely responsible (mowing, watering, etc.).
   b) The installation will not block or restrict access or egress to or from the unit or otherwise violate health and safety codes.
   c) The installation does not result in damage to the unit (i.e., holes in walls or ceiling).
   d) The installation of an interior antenna does not damage the unit beyond normal wear and tear.
   e) The resident submits a request in writing asking to install an outside antenna. Inside antennas do not require approval in writing.
   f) The resident agrees to restore any interior and exterior changes to original condition before vacating the unit. Otherwise, charges for repairs will apply.

   The PHA will not assess any fees designed to unreasonably restrict the tenant's right to install antennas as long as the tenant is in compliance with the limitations of this rule.

L. Occupancy of Police Officers

The PHA reserves the right to place Police Officers who would not otherwise be eligible in the PHA's units, if it is determined that their presence would contribute to the safety of and security of residents. The number and location of units and a description of the terms and conditions for them to occupy units is identified in the PHA's annual plan.

M. Occupancy of Over-Income Families

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) amended the U.S. Housing Act of 1937 and placed an income limitation on families residing in public housing.

1. After a family's income has exceeded one hundred twenty percent (120%) of the area median income, or a different limitation established by the Secretary, for two consecutive years, the PHA will terminate the family's assistance within six (6) months of the second income determination or charge the family a monthly rent equal to the greater of:
   a) The applicable Fair Market Rent; or
   b) The amount of monthly subsidy for the unit, including amounts from the operating and capital fund

   Families choosing the alternative rent will be required to sign a new non-public housing over income lease no later than 60-days after the notice is provided or at the next lease renewal, whichever is sooner. The family will no longer be a public housing program participant and will become unassisted tenants once the new lease is signed.
2. The PHA must notify the family of the potential changes to the monthly rent after one (1) year of the family's income exceeding the over-income limit.
3. If the PHA becomes aware, through an annual or interim reexamination of an increase in income, that a family has reached the over-income limit, the effective date of the action will be the point in time for which the two-year clock will start.

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4. If the PHA conducts an interim reexamination which demonstrates that the family's income has dropped below the over-income limit, the family is no longer considered over-income. If the PHA becomes aware, through a subsequent annual or interim reexamination that the family's income has increased to an amount that exceeds the over-income limit, the family would begin a new two-year clock.
5. Because there is a two-year process to declare an over-income family ineligible for public housing assistance, large increases to the over-income limit for higher rental markets may result in families who are over-income in one year and not being considered over-income in the second year as the over-income limit is adjusted upward in subsequent years.
6. If the PHA owns or operates fewer than two hundred fifty (250) public housing units, the PHA may admit families whose annual income exceed eighty percent (80%) of median income at the time of initial occupancy if:
   a) There are no other eligible low-income applicants on the waiting list;
   b) There are no eligible low-income families applying for public housing assistance when the unit is leased to an over-income family;
   c) The PHA advertises the availability of public housing units to eligible low-income families including publication of a notice for thirty (30) days in at least one newspaper of general circulation before offering the unit to an over-income family;
   d) The over-income family rents the unit on a month-to-month basis at a rental amount which is not less than the cost to operate the unit;
   e) The lease to the over-income family provides that the over-income family agrees to vacate the unit when it is needed by an eligible family; and
   f) The PHA gives the over-income family at least thirty (30) days' notice to vacate the unit when it is needed for rental by an eligible family.

   Families admitted under these circumstances are not subject to the over-income limit.
7. The PHA must submit to HUD and make publicly available an annual report containing:
   a) The number of families residing the PHA's public housing units with income exceeding the over-income limit; and
   b) The number of families on the PHA's waiting list for admission to public housing.
8. The PHA may continue to house families with incomes above the local low-income limit but below the over-income limit.

N. Minimum Heating Standards

If the PHA is in a state, territory, or local with existing minimum heating standards, the PHA shall utilize their respective local minimum heating standards for the public housing dwelling units.

Where state or local minimum heating standards do not exist, the PHA shall use the following HUD established minimum heating requirements for public housing dwelling units:

1. Minimum Temperature:
   a) If PHA-controlled, the minimum temperature in each unit must be at least 68 degrees Fahrenheit.

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b) If tenant-controlled, then the heating equipment must have the capability of heating to at least 68 degrees Fahrenheit.

2. Minimum Temperature Capability:
   a) The PHA is allowed flexibility in maintenance of the indoor temperature when the outdoor temperature approaches the designed-day temperature.
      (1) The designed-day temperature refers to the lowest expected outdoor temperature that a heating system was designed to accommodate and still maintain the desired indoor temperature.
      (2) This should translate to an outdoor temperature in the 1st to 5th percentiles of low outdoor temperatures for an area.
   b) At no point should indoor temperatures in occupied space drop below 55 degrees Fahrenheit. This flexibility applies when at least one of the below criteria are met:
      (1) The outside temperature reaches or drops below the design day temperature, or
      (2) The outside temperature is within five (5) degrees Fahrenheit of the designed-day temperature for more than two (2) continuous days.
3. Measurement:

   Temperature measurements must be taken three (3) feet above the floor and two (2) feet from an exterior wall in the habitable room.

O. Fair Housing and Equal Opportunity

A Fair Housing and Equal Opportunity poster that contains information on filing complaints with HUD will be prominently posted in the PHA office. Individuals who believe that they have been discriminated against with respect to housing may receive assistance from PHA staff in filing such complaints.

P. De Minimis Errors

De minimis errors occur when a PHA's determination of a family's income deviates from the correct income determination by no more than $30 per month in monthly adjusted income (or $360 in annual adjusted income). HUD may revise the amount of de minimis error though rulemaking.

Once the PHA becomes aware of the existence of an income calculation error, the error(s) will be corrected retroactive to the effective date of the action resulting in an error regardless of the dollar amount associated with the error. Families will not be required to repay the PHA in instances where the PHA miscalculated income resulting in a family being undercharged for rent. Once the PHA becomes aware of the error the family will be provided with a 30-day notice of the increase to their rent portion. The PHA will take corrective action to credit or repay a family if the family was overcharged tenant rent, including di minimis errors, in the income determination. In the case of public housing residents, the PHA will provide an immediate rent credit. If the amount of the credit would be more than the charges due in the next 30 days, the PHA will provide payment to the family within 30 days of becoming aware of the error.

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Q. Disclaimer Policy

This policy will be interpreted and applied in accordance with applicable federal statutes and HUD regulations and policy guidance. Any conflict between the language of this policy and such federal statutes and/or regulations will be resolved in accord with federal law and policy. Additionally, since the provisions of this plan are based on local, state and federal law and regulation, the policy will be deemed automatically revised should any of those laws or regulations change. To the extent that the change is mandatory (allowing no PHA discretion), the text of this policy will be revised without requirement for administrative processing. By approving this provision, the Board of Commissioners understands that they are approving future automatic revisions responding to mandatory changes. Anywhere the policy is found to be contradictory, HUD regulations will prevail, and changes will be made to correct the policy in the next revision.

Please note that all references to assets will remain at $5000 as the previous policy stated, not $50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers), until such a time that HUD's computer system will allow for the submission of a 50058 using this method of calculating assets.

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Appendix A: List of Charges in Addition to Rent

SCHEDULE OF CHARGES

Rescreen Window	$50.00
Broken Window	$90.00 + Minimum 1-hour labor during working hours $90.00 + Minimum 2-hours labor after hours
Wall Repair	
Small holes (less than 2” x 2”)	$40.00
Medium holes (2” x 2” – 6” x 6”)	$70.00
Large holes (6” x 6” – 4’ x 4’)	$85.00
Extra Large holes (over 4’ x 4’)	$125.00
Replace Floor Tiles – first 10 tiles	$30.00 + Material Costs
Each additional 10 tiles	$30.00 + Material Costs
Blocked Furnace Room – move appliances, furniture	$25.00
Remove Trash in Yard	$25.00
Call in for Removal of Large Items (Furniture, Trash, AC, Fridge, Etc.)	$60.00
Unstop Commode/Sink/Tub	$25.00 during working hours $65.00 after hours
Pull Commode to Remove Object	$50.00 + Material Costs
New Keys	$ 10.00
Change Locks	$50.00
Unlock Door for Tenant	$20.00 during working hours $65.00 after hours
Unwarranted Call	$25.00 during working hours $65.00 after hours
Return Trash Receptacle behind Apartment	$ 5.00
Unclog Dryer Vent	$25.00
Call when Storm Door is Locked	$15.00
Replace Electrical Covers/Switches	Material Cost + Labor

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Clean Apartment (Vacant Unit)	$50.00 + minimum 2 hours labor
Clean Range (Vacant Unit)	$25.00 + Labor
Clean Refrigerator (Vacant Unit)	$25.00 + Labor
Remove Wall Paper (Vacant Unit)	
Borders/Soffits	$15.00 per room + Labor
Large and/or Full Wall Coverage	$25.00 per wall + Labor
Remove Trash (Vacant unit)	
Minimal Trash in Room	$50.00
Moderate Trash in Room	$100.00
Extreme Trash in Room	$150.00
Copies of documents – per pages	$ 0.10 ($ 2.00 minimum)
Smoke Alarm Disconnected	$50.00 + Material
Parked in No Parking Zone	$25.00 (Tenant & Guest)
Unprepared for Pest Control Appointment	$25.00 1st occurrence $50.00 2nd occurrence $75.00 3rd occurrence
Unable to perform quarterly pest control (Locked Storm door or refused entry)	$25.00
Returned Check (NSF)	$35.00
No Statement Fee	$2.00
Eviction Related Costs	Actual Cost to HAP based on the eviction proceedings

Costs not listed will be based on the actual cost to PHA for the labor and materials needed to complete the work. If work must be performed outside normal working hours, overtime rates will be charged.

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Appendix B: Utility Allowances or Consumption Allowances

Utility and Consumption Allowances can be viewed online at www.paducahhousing.com or in our property management offices.

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Appendix C: Developments of Sites by Type

Name of Development	Total # Units	General Occupancy (former Family Units)	Mixed Population (former Elderly Units)	Designated Elderly Units	Designated Handicap Units
Anderson	88	88			
Ella Munal	133	133			
Blackburn	49	49			
Anderson	12	12			
Blackburn	28	28			
Dolly McNutt	52	52			
C Wood Homes	2	2			
Elmwood Court	229	229			
Elmwood (Addition)	30	30			
Pierce Lackey	169	169			
HC Mathis	28			28	
Scattered Sites	12	12			
Scattered Sites	18	18			
Scattered Sites	4	4			

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Appendix D: PHA Income Limits

PHA Income Limits are updated annually by HUD around April 1st of each year. New income limits will be applied as they are released by HUD. Updated income limits are always available for review in our property management offices.

This table reflects the most recent update, effective 05/01/2025.

Persons in Family	Income Limit
1	$50,550
2	$57,750
3	$64,950
4	$72,150
5	$77,950
6	$83,700
7	$89,500
8	$95,250

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Appendix E: Table of Flat Rents

Flat Rents are updated annually and set at no less than 80% of HUD released Fair Market Rents. Updated Flat Rents are always available for review in our property management offices.

This table reflects the most recent update, effective 01/01/2026.

Bedroom Size	
0	$583
1	$681
2	$846
3	$1015
4	$1420
5	$1633

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Appendix F: Security Deposits

Security Deposit Requirements	Set Amount
The PHA requires residents to pay a security deposit.	$300.00

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Appendix G: Termination and Eviction Policy

Housing Authority of Paducah

Paducah, Kentucky

Termination and Eviction Policy

Adopted by PHA Board of Commissioners

Resolution No.: 935-26

Date of Adoption: 01/09/2026

Effective Date of Implementation: 02/01/2026

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Termination and Eviction Policy

As a landlord, the Housing Authority of Paducah (hereinafter referred to as PHA) has certain rights and responsibilities concerning termination of dwelling leases and eviction of residents who violate lease terms or are determined to be undesirable for other reasons.

A. Rights and Responsibilities

1. The PHA may terminate or refuse to renew a lease for serious or repeated violations of material terms of the lease by residents including, but not limited to, the following:

   The regulation at 24 CFR (Code of Federal Regulations) 966.4(f)(12), requires under Section 6(1) that every lease signed by a resident of a public housing unit must contain a provision which authorizes the PHA to consider certain “criminal activity engaged in by the resident, members of their household, another person under the control of the resident, or their guests”, including drug-related, *on or off* the PHA’s premises to be “cause for termination of tenancy”. This lease provision authorizes termination of the lease and eviction of all members of the household. Thus, any criminal activity that threatens the health, safety or right to peaceful enjoyment of the PHA's public housing premises by other residents may be cause for such termination. (See CFR 966.4(e)(2) Grounds for Termination). It is the policy of the PHA to terminate tenancy of any household where a member or guest engages in such criminal, drug-related or alcohol related activity.

   The PHA retains the discretion to determine on a case-by-case basis whether or not the entire household or only the offending member(s) should be evicted for such criminal activity.

2. The PHA has a One Strike or “zero tolerance” policy with respect to violations of lease terms regarding criminal activity.

   The following are some examples of said activities:

   a) Displaying a deadly weapon in connection with a verbal or nonverbal threat of bodily harm;

   b) Inflicting any injury upon another person through the intentional, reckless, careless or negligent use of a deadly weapon;

   c) Damaging any property through the intentional, reckless, careless or negligent use of a deadly weapon.

B. Consideration of Favorable Factors

In the event of the receipt of unfavorable information with respect to a tenant and or lease violations that could cause termination of tenancy, the PHA will give consideration to the time, nature, and extent of the applicant's conduct. The PHA will also consider factors that might indicate a reasonable probability of favorable future conduct, such as:

1. Evidence of successful completion of an appropriate rehabilitation program for drug alcohol-related problems (requiring certification from a health professional, or State certified program). The resident may be required to provide evidence of otherwise being rehabilitated successfully (i.e., on-going participation in AA, ALANON, or other drug/alcohol support group);

2. The seriousness of the offending action;

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3. The effect on the community of denial or the failure of the PHA to take such action;
4. The extent of participation by the leaseholder in the offending action;
5. The effect of denial of admission on household members not involved in the offending action;
6. The demand for assisted housing by families who will adhere to lease responsibilities;
7. The extent to which the tenant has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
8. The effect of the PHA's action on the integrity of the program;
9. The willingness of the tenant to exclude the offending household member in order to remain in the housing program, where the identified member has participated in or been culpable for action or failure to act that warrants denial;
10. Evidence of the tenant family's participation in or willingness to participate in social services or other appropriate counseling programs, and the availability of such programs.

C. Domestic Violence

1. The PHA may terminate or refuse to renew a lease to any household member who is a perpetrator of domestic violence or stalker.
2. The PHA retains the discretion to determine on a case-by-case basis whether or not the entire household or only the offending member(s) should be evicted for such criminal activity.
3. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence. Criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant/participant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence. This does not limit the authority of the PHA to:
   a) Terminate public housing assistance to individuals who engage in criminal acts of physical violence against family members or others.
   b) Terminate public housing assistance to a tenant/participant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking to a more demanding standard than other tenants in determining whether to terminate.
   c) Terminate public housing assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or PHA if that tenant is not evicted or terminated from assistance.

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d) Upon relocation of the household member who is the victim of domestic abuse or stalking, the PHA shall terminate the assistance of the remaining family if the perpetrator of the domestic abuse or stalking remains in the household.

D. Restriction on Eviction of Over-Income Families

The PHA may not evict or terminate the tenancy of a family solely because the family is over the income limit if:

1. The family has a valid Family Self-Sufficiency Contract of Participation; or
2. At least one family member is receiving the Earned Income Disallowance benefit.

E. Termination by Family

1. A resident may terminate their lease at any time but must provide the PHA thirty (30) days' notice in writing and should include a forwarding address for the PHA to return the resident's security deposit after the resident vacates the premises.
2. A notice of termination by the PHA or a resident may be given on any day of the month.

F. The PHA must provide residents a notice of termination as follows:

1. Fourteen (14) days in advance, in cases of failure to pay rent;
2. Seven (7) days in advance, in cases of creation or maintenance of a threat to the health and safety of other residents, or PHA employees, or a reasonable time in excess of seven (7) days considering the seriousness of the situation;
3. Thirty (30) days in advance in all other cases.
4. The notice shall state the specific reasons for termination and inform the residents they have a right to reply, examine relevant PHA documents, copy relevant documents at their expense, and request a grievance hearing. The lease termination notice shall:
   a) State that the resident is entitled to a grievance hearing on the termination;
   b) Specify the judicial eviction procedure to be used by the PHA for eviction of the resident, and state that HUD has determined that this eviction procedure provides the opportunity for a hearing that contains the basic elements of due process as defined in HUD regulations;
   c) State whether the eviction is for a criminal activity as described in CFR 966.51(a)(2)(i)(A) or for a drug-related criminal activity as described in CFR 966.51(a)(2)(i)(B), or a pattern of alcohol abuse which threatens the health, safety or right to peaceful enjoyment of the premises by other residents or PHA employees.
5. HUD has issued a due process determination that the law of the State of Kentucky requires that the resident be given the opportunity for a hearing in court which provides the basic elements of due process (as defined in the Definition section of these policies) before eviction from a dwelling unit. Therefore, the PHA has elected to determine that this grievance procedure shall not be applicable to any termination of tenancy or eviction that involves:
   a) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the PHA; or
   b) Any violent or drug-related criminal activity on or off such premises; or
   c) Any activity that resulted in felony conviction of a household member.

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6. Any criminal activity is cause for termination of tenancy even in the absence of conviction or arrest.
7. Any repeated pattern of alcohol abuse which threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or PHA employees.
8. The PHA's eviction notices to residents must be in writing, hand delivered or sent by first class mail.
9. Notices under this grievance procedure shall be deemed delivered:
   a) Upon personal service thereof to the complainant or an adult member (18 years of age or older) of the complainant's household;
   b) On the second day after the deposit thereof for mailing, postage prepaid, with the U.S. Postal Service, if mailed by first class mail other than certified or registered mail, unless the resident can prove that delivery of the notice, in fact, occurred at some other time.
10. If a resident is visually impaired, any notice delivered to such resident shall be in an accessible format.
11. The PHA will notify the local post office of residents evicted for criminal activity so that evicted persons will not return to the housing development to pick up their mail.

G. Future Eligibility for Assistance.

The PHA has established standards that prohibit and deny readmission of a previous resident and/or household member to the PHA's public housing program for certain drug, criminal and/or unfavorable family behaviors.

1. The PHA must prohibit and deny readmission to the PHA's public housing program for (*See also Denial of Admission*):
   a) Persons evicted from federally assisted housing for drug-related criminal activity for three (3) years from the date of the eviction;
   b) Person engaging in illegal use of a drug;
   c) Persons convicted of methamphetamine production;
   d) Persons subject to sex offender registration requirement; and
   e) Persons that abuse or show a pattern of abuse of alcohol.

2. The PHA may prohibit and deny readmission to the PHA's public housing program for (*See also Applicant Screening*):
   a) An applicant's past performance in meeting financial obligations, especially rent and/or utility payments;
   b) An applicant's previous lease violations, including the failure to comply with community service and self-sufficiency requirements;
   c) An applicant who left owing a debt to the PHA or any other PHA (*See also Repayment Agreement for Families*);
   d) A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at any prior PHA public housing development which may have adversely affected the health, safety, or welfare of other tenants; and

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e) A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would have adversely affected the health, safety or welfare of other tenants.

The eligibility determination for readmission will be based on the circumstances of the applicant family at the time the family reapplies. The PHA may require an applicant to exclude a household member in order to be readmitted to the public housing program where that household member has participated in or been culpable for any actions described above.

In the event of unfavorable information with respect of an applicant, consideration shall be given to the time, nature and extent of the applicant's conduct, including seriousness of the offense.

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NOTICE

The Nelrod Company has made its best efforts to comply with regulations, laws, and Federal/local policies. The Nelrod Company does not offer advice on legal matters or render legal opinions. We recommend that the Housing Authority's general counsel and/or attorney review this policy prior to approval by the Board of Commissioners.

The Nelrod Company is not responsible for any changes made to these policies by any party other than The Nelrod Company.

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Appendix H: Grievance Procedures

Housing Authority of Paducah

Paducah, Kentucky

Grievance Procedures

Adopted by PHA Board of Commissioners

Resolution No.: 935-26

Date of Adoption: 01/09/2026

Effective Date of Implementation: 02/01/2026

Authorized Use by the Housing Authority of Paducah

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Grievance Procedures

A. Purpose and Scope

The purpose of these Grievance Procedures is to assure that the Housing Authority of Paducah (hereinafter referred to as PHA) residents are afforded an opportunity for a hearing, if the resident disputes within a reasonable time, any PHA action or failure to act, involving the resident's lease, or PHA regulations which adversely affect the individual resident's right's, duties, welfare or status.

1. Additional areas covered by these procedures include the:
   a) Community Service and Self-Sufficiency Requirements
   b) Minimum rent hardship exemptions
   c) Income changes resulting from welfare program requirements
   d) Improper disclosure or inappropriate use of information obtained by the PHA through criminal records, sex offender registration records, drug abuse treatment facility records and domestic violence records.

The Grievance Procedure shall be applicable to all individual grievances as defined herein.

B. Governing Law

The law governing this grievance procedure is Section 6 (K) of the U.S. Housing Act of 1937 (42 U.S.C. sec. 1437 d (K) and subpart B of 24 CFR part 966 (24 CFR secs. 966.50-966.57).

C. Definitions

The following definitions of terms shall be applicable to this grievance procedure:

1. *Grievance*: Any dispute which a resident may have with respect to an action or a failure to act by the PHA in accordance with the individual resident's lease or PHA regulations, which adversely affects the individual resident's rights, duties, welfare or status.
2. *CFR*: The Code of Federal Regulations, which contains the federal regulations governing this grievance procedure.
3. *Complainant*: Any resident (as defined in this section below) whose grievance is presented to the PHA or at the project management office in accordance with the requirements set forth in this procedure.
4. *Drug-related criminal activity*: The illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. sec. 802) as from time to time amended.
5. *"Authority"*: The Housing Authority of Paducah, a body corporate organized and existing under the laws of the State of Kentucky.
6. *Elements of Due Process*: The following procedural safeguards are required to be followed in an eviction action or a termination of tenancy in a state or local court:
   a) Adequate notice to the resident of the grounds for terminating the tenancy and for eviction;
   b) Right of the resident to be represented by counsel;

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c) Opportunity for the resident to refute the evidence presented by the PHA, including the right to confront and cross examine witnesses and to present any affirmative legal or equitable defense which the resident may have; and

d) A decision on the merits.

7. *Expedited Grievance:* The procedure established by the PHA for any grievance concerning a termination of tenancy or eviction that involves:

   a) Any criminal activity that threatens the health, safety and right to peaceful enjoyment of the PHA's public housing premises by other residents or employees of the PHA; or

   b) Any drug-related or violent criminal activity on or off PHA premises.

8. *Hearing Officer or Hearing Panel*: An impartial person or persons selected by the PHA, other than the person who made or approved the decision under review, or a subordinate of that person. Such individual or individuals do not need legal training.

9. *HUD*: The United States Department of Housing and Urban Development.

10. *Notice*: As used herein, the term notice shall, unless otherwise specifically provided, mean written notice.

11. *The "Regulations"*: The HUD regulations contained in subpart B of 24 CFR sec. 966.

12. *Resident organization*: An organization of residents, which includes any resident management corporation.

13. *Resident*: The adult person (or persons) other than a live-in aid:

    a) Who resides in the unit and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such persons reside in the unit;

    b) The person who resides in the unit, and who is the remaining head of the household of the resident family residing in the dwelling unit.

14. *Business Days*: Monday through Friday of each week, except for legal holidays recognized by the federal government and/or local city government.

D. Incorporation in Leases

This grievance procedure shall be included in, or incorporated by reference in, all dwelling leases between the residents and the PHA.

E. Exceptions

These procedures are applicable to all individual grievances, as defined in the PHA's Definitions section of these policies, between the resident and the PHA with the following exceptions:

1. The PHA's grievance procedures are not applicable to disputes between residents not involving the PHA, or to class grievances.

2. The grievance procedures are not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and the PHA's Board of Commissioners; and

3. HUD has issued a due process determination that the law of the State of Kentucky requires that the resident be given the opportunity for a hearing in court that provides the basic elements of due process (as defined in the Definition section of these policies) before

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eviction from a dwelling unit. Therefore, the PHA has elected to determine that this grievance procedure shall not be applicable to any termination of tenancy or eviction that involves:

a) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of PHA; or

b) Any violent or drug-related criminal activity on or off such premises; or

c) Any criminal activity that resulted in felony conviction of a household member.

However, improper use of or disclosure of information obtained by the PHA through criminal records, sex offender registration records and drug abuse treatment facility records, may be the subject of a grievance by a tenant of the PHA.

F. Processing Grievances

The primary objective of this process is to settle grievances at the lowest level and as quickly as possible and minimize impact upon the PHA's operations. Except as stated in paragraphs A. and B. above, the PHA's procedures shall afford each resident an opportunity for a hearing on a grievance, in accordance with the requirements, standards, and criteria contained in these procedures, with such modifications as are required by State law. The process for handling grievances is outlined below.

1. Informal Settlement of Grievance

   a) Grievances shall be personally presented, either orally or in writing, to the PHA's central office, or to the office of the development in which the complainant resides, so that the grievance may be discussed informally and settled without a hearing. Grievances should be presented within ten (10) business days after the occurrence giving rise to the grievance.

   b) A summary of such discussion shall be prepared within five (5) business days. One copy shall be given to the resident and one shall be retained in the PHA's resident file.

      The summary shall specify the names of the participants, dates of the meetings, nature of the compliant, the proposed disposition of the complaint, and the specific reasons therefore, and the procedures by which a hearing may be obtained if the resident is not satisfied.

   c) The summary shall specify:
      (1) The names of the participants,

      (2) Dates of the meetings,

      (3) The nature of the proposed disposition of the complainant and the specific reasons therefore,

      (4) The rights of the complainant to a hearing, and

      (5) The procedures by which a hearing may be obtained if the resident is not satisfied.

   d) The PHA shall specifically include notice to the complainant of the following:

      (1) The time limit to request a grievance hearing;

      (2) The grievance will be heard by a hearing officer or a hearing panel, and the procedures for selecting the hearing officer or hearing panel;

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(3) What specifically must be included in the complainant's written request for a grievance, as provided in paragraph 1.b of the PHA's Procedures to Obtain a Hearing;

(4) If the complainant fails to request a hearing within the required time period (5 business days) after receiving the summary, the PHA's decision rendered at the Informal Settlement conference becomes final. However, the complainant does not waive the right to contest the PHA's action in an appropriate judicial proceeding;

(5) The complainant's rights to be represented by counsel or other representative at the grievance hearing; and

(6) The complainant requesting a hearing has a right to examine any PHA documents relevant to the hearing, including records and regulations. The complainant shall be allowed to obtain a copy from the PHA of any such documentation at the complainant's expense, as stated in the "Charges in Addition to Rent" schedule.

G. Procedures to Obtain a Hearing

1. Request for a Hearing:

   a) The complainant shall submit a written request for a hearing to the PHA, or to the development office, within five (5) business days after receipt of the written summary of the Informal Settlement conference.

   b) The written request shall specify:

      (1) The reasons for the grievance;

      (2) The action or relief sought;

      (3) The complainant's statement setting forth the times at which the complainant will be available for a hearing during the next ten (10) business days;

      (4) Complainant's preference, if any, concerning whether the grievance should be heard by a single hearing officer or by a hearing panel.

   c) If the complainant fails to request a hearing within five (5) business days after receiving the written summary of the Informal Settlement conference, the PHA's decision rendered at the Informal Settlement conference becomes final and the PHA is not thereafter obligated to offer the complainant a hearing.

   d) Should the complainant fail to request a hearing, such failure shall not constitute a waiver by the complainant of his/her right thereafter to contest the PHA's action in disposing of the complaint in an appropriate judicial proceeding.

H. Expedited Grievance Procedures

The PHA has established and expedited grievance procedure for any grievance concerning a termination of tenancy or eviction that involves:

1. Any criminal activity that threaten the health, safety, or right to peaceful enjoyment of the PHA's premises by other residents or employees of the PHA; or
2. Any drug-related or violent criminal activity on or off such premises.

   Note: In the case of a grievance under the expedited grievance procedure, Informal Settlement of Grievance is not applicable.

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3. Request for a Hearing:
   a) The complainant shall submit a written request for a hearing to the PHA or to the development office within five (5) business days of the written notice of lease termination.
   b) The written request shall specify:
      (1) The reasons for the grievance;
      (2) The action or relief sought.
   c) The PHA will not consider grievances received after this timeframe.
      (1) The PHA's decision becomes final and the PHA is not thereafter obligated to offer the complainant another request for a grievance.
      (2) Should the complainant fail to request an expedited grievance or fail to request the expedited grievance timely, such failure shall not constitute a waiver by the complainant of his/her right thereafter to contest the PHA's action in disposing of the complaint in an appropriate judicial proceeding.
4. Scheduling, Conducting and the Decision of the Hearing for Expedited Grievance
   a) The hearing officer or hearing panel will give scheduling priority to expedited grievances and will promptly schedule a hearing within five (5) business days of receiving the request for a hearing.
   b) The hearing officer or hearing panel shall conduct the expedited hearing in accordance with Section Q of the Grievance Procedures.
   c) The hearing officer or hearing panel shall prepare a written decision, together with the reasons therefore, within five (5) business days after the hearing.

I. Selection of Hearing Officer or Hearing Panel:

1. Grievances shall be presented before a hearing officer or hearing panel.
2. The hearing officer or hearing panel shall be an impartial, disinterested person selected by the PHA. The hearing officer or hearing panel shall not be:
   a) The person who made or approved the decision, or
   b) A subordinate of the person who made or approved the decision.

J. Hearing Prerequisite:

1. All grievances shall be personally presented, either orally or in writing, pursuant to the informal procedure prescribed in the paragraph on Informal Settlement of Grievance as a condition precedent to a hearing under this section.
2. If the complainant shows good cause why he/she failed to proceed in accordance with the paragraph on Informal Settlement of Grievance, the provisions of this subsection may be waived by the hearing officer or hearing panel.

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K. Escrow Deposit:

1. Before a hearing is scheduled in any grievance involving the amount of Tenant Rent which the PHA claims is due, the resident shall pay into an escrow account, an amount equal to the amount of the Tenant Rent due and payable as of the first of the month preceding the month in which the act or failure to act took place.
2. The resident shall thereafter deposit the same amount of the Tenant Rent into that escrow account monthly, until the complaint is resolved by decision of the hearing officer or hearing panel.
3. The PHA may waive these requirements in extenuating circumstances. Unless so waived, failure to make such payments shall result in termination of the grievance procedures.
4. Failure to make payment shall not constitute a waiver of any right the resident may have to contest the PHA's disposition of the resident's grievance in any appropriate judicial proceeding.
5. Escrow deposits are not required for grievances related to minimum rent hardships and welfare reductions.

L. Scheduling Hearings:

1. The hearing officer or hearing panel shall promptly schedule the hearing, for a time and place reasonably convenient to both the complainant and the PHA, upon the complainant's compliance with the above requirements.
2. A written notification specifying the time, place, and the procedures governing the hearing shall be delivered to the complainant and the appropriate PHA official.
3. The hearing may be conducted through electronic communications such as teleconference or web meetings.

M. Procedures Governing the Hearing

1. Official or Panel: The hearing shall be held before a hearing officer or a hearing panel, as appropriate.
2. Safeguards of Due Process: The complainant shall be afforded a fair hearing providing the basic safeguards of due process, which include the following:
   a) The opportunity to examine documents before the hearing, and to copy all documents, records, and regulations of the PHA that are relevant to the hearing at the expense of the complainant. Any requested document not made available to the complainant may not be relied on by the PHA at the hearing;
   b) The right to be represented by counsel or other person chosen as the complainant's representative;
   c) The right to a private hearing, unless the complainant requests a public hearing;
   d) The right to present evidence and arguments in support of the complainant's complaint, to controvert evidence relied on by the PHA or development management, and to confront and cross examine all witnesses on whose testimony or information the PHA or development management relies; and
   e) A decision based solely and exclusively upon the facts presented at the hearing.

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N. Previous Decision

The hearing officer or hearing panel may render a decision without proceeding with the hearing, if the hearing officer or hearing panel determines that the issue has been previously decided in another proceeding.

O. Failure to Appear:

1. If the complainant or the PHA fails to appear at a scheduled hearing within ten (10) minutes of the scheduled hearing, the hearing officer or hearing panel may make a determination to postpone the hearing, for a period not to exceed five (5) business days or may make a determination that the party has waived his or her right to a hearing.
2. The hearing officer or hearing panel shall notify both the complainant and the PHA of the determination.
3. A determination that the complainant has waived his or her right to a hearing shall not constitute a waiver of any right the complainant may have to contest the PHA's disposition of the grievance in an appropriate judicial proceeding.

P. Entitlement and Justification:

1. At the hearing, the complainant must first make a showing of an entitlement to the relief sought.
2. Thereafter, the PHA must sustain the burden of justifying the PHA's action or failure to act against which the complaint is directed.

Q. Conduct of the Hearing:

1. The hearing shall be conducted informally by the hearing officer or hearing panel.
2. Oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
3. The hearing officer or hearing panel shall require the PHA, the complainant, legal counsel, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer or hearing panel to obtain order may result in exclusion from the proceedings, or in a decision adverse to the interests of the disorderly party, and granting or denial of the relief sought, as appropriate.

R. Transcript:

1. The complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing.
2. Any interested party may purchase a copy of such transcript.

S. Accommodation to Persons with Disabilities

The PHA will provide reasonable accommodation for persons with disabilities throughout the grievance process.

This includes, but is not limited to, accommodating tenants with disabilities by accepting grievances at alternate sites or by mail, having PHA staff reduce an oral request for a grievance to writing for a tenant with a disability who cannot write due to the disability, and

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providing accommodations in the grievance hearing itself by providing qualified sign language interpreters, readers, accessible locations or attendants.

If the resident is visually impaired, any notice to the resident which is required under this section must be in an accessible format.

T. Limited English Proficiency

The PHA must comply with HUD's "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" issued on January 22, 2007 and available at *http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq*.

U. Decision of the Hearing Officer or Hearing Panel

1. The hearing officer or hearing panel shall prepare a written decision, together with the reasons therefore, within a reasonable time after the hearing (usually within 10 business days).
2. A copy of the decision shall be sent to the complainant and the PHA.
3. The PHA shall retain a copy of the decision in the resident's folder.
4. The PHA must maintain a log of all hearing officer or hearing panel decisions and make it available upon request of the hearing officer or hearing panel, a prospective complainant, or a prospective complainant's representative. At a minimum, the log must include:
   a) The date of the hearing decision,
   b) The general reason for the grievance hearing (failure to pay rent, CSSR noncompliance, etc.), and
   c) Whether the decision was in the favor of the complainant or the PHA

V. Subsequent Actions

The decision of the hearing officer or hearing panel shall be binding on the PHA, which shall take all actions, or refrain from any actions, necessary to carry out the decision, unless the Board of Commissioners determines, within ten (10) business days, and promptly notifies the complainant of its determination, that:

1. The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease or PHA regulations, which adversely affect the complainant's rights, duties, welfare, or status; and
2. The decision of the hearing officer or hearing panel is contrary to applicable Federal, State, or local law, HUD regulations, or requirements of the Annual Contributions Contract between HUD and the PHA.

W. Judicial Proceedings

A decision by the hearing officer, hearing panel, or Board of Commissioners, in favor of the PHA, or which denies the relief requested by the complainant, in whole or in part, shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

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X. PHA Notice

Notices under this grievance procedure shall be deemed delivered:

1. Upon personal service thereof to the complainant or an adult member (18 years of age or older) of the complainant's household;
2. Upon the date receipted for or refused by the addressee, in the case of certified or registered U.S. Mail; or
3. On the second business day after first class mailing, with the U.S. Postal Service.

Y. Concurrent Notice

If a complainant has filed a request for grievance hearing in a case involving the PHA's notice of termination of tenancy, the complainant should be aware that the State law notice to vacate and the notice of termination of tenancy required under Federal law can run concurrently.

If the hearing officer or hearing panel upholds the PHA's action to terminate the tenancy, the PHA may commence an eviction action in court by the later of:

1. The expiration of the date for termination of tenancy and vacation of premises stated in the delivered termination notice, or
2. The delivery of the report of decision of the hearing officer or panel to complainant.

Z. Modification

This grievance procedure may not be amended or modified except by approval of a majority of the Board of Commissioners of the PHA, present at a regular meeting or a special meeting called for such purposes.

1. The PHA must provide for at least thirty (30) days advance notice to residents and resident organizations of any changes proposed to be made to this grievance procedure, setting forth the proposed changes and providing an opportunity to present written comments.
2. The PHA shall consider any comments submitted before final adoption of any amendments.

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The Nelrod Company is not responsible for any changes made to these policies by any party other than The Nelrod Company.

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Appendix I: Transfers and Transfer Waiting List

Housing Authority of Paducah

Paducah, Kentucky

TRANSFERS AND TRANSFER WAITING LIST

Adopted by PHA Board of Commissioners

Resolution No.: 935-26

Date of Adoption: 01/09/2026

Effective Date of Implementation: 02/01/2026

Authorized Use by the Housing Authority of Paducah

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Transfers and Transfer Waiting List

Transfer means the movement of a resident from one dwelling unit to another. The PHA may require a resident to move, permit a resident to move, or physically help a resident to move, depending on the circumstances in each particular case. This policy is incorporated into the Admissions and Continued Occupancy policy by reference. The Housing Authority of Paducah (herein referred to as PHA) policies and procedures for transferring residents from one dwelling unit to another are as follows.

A. Non-discrimination

The PHA will not discriminate against any person at any stage of the transfer process because of race, color, religion, sex, age, creed, disability, familial status, or national origin. The PHA will abide by the non-discrimination requirements of the following laws and Executive Orders. (24 CFR 960.203)

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d), which prohibits discrimination based on race, color, or national origin in programs receiving Federal financial assistance. (24 CFR part 1)
2. The Fair Housing Act of 1988 (42 U.S.C. 3601-3619), also prohibits discrimination in housing practices based on disability in residential real estate-related transactions. (24 CFR parts 100, 108, 109, & 110)
3. Executive Order 11063 on Equal Opportunity Housing. (24 CFR part 107)
4. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination based on disability in programs receiving Federal financial assistance. (24 CFR part 8)
5. The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107), which prohibits discrimination based on age in programs receiving Federal financial assistance. (24 CFR part 146)
6. Title II of the Americans with Disabilities Act (42 U.S.C. 12101-12213).

B. Types of Transfers

1. This policy sets forth several categories of transfers. Priority for transfer and the order in which families are transferred shall be subject to the hierarchy by category set forth below.
   a) **Emergency transfers** are mandatory when the unit or building conditions pose an immediate threat to resident life, health or safety, as determined by PHA. Any condition requiring an emergency work order may be defined as an emergency if repairs cannot be made within 24 hours. Emergency transfers within sites or between sites may be made to:
      (1) Permit repair of unit defects hazardous to life, health, or safety;
      (2) Alleviate verified medical problems of a life-threatening nature; or
      (3) Protect members of the household from attack by the criminal element in a particular property or neighborhood, based on threat assessment by a law enforcement agency.

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b) **Category 1- Administrative Transfers** include mandatory transfers to remove to safety residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency):

(1) Provide housing options to residents who are victims of hate crimes or extreme harassment;

(2) Alleviate verified medical problems of a serious nature;

(3) Permit modernization of units;

(4) Permit a family that requires a unit with accessible features to occupy such a unit.

Requests for medical transfers will be made to the manager. The resident shall provide the manager with the necessary documentation to substantiate the need for a medical transfer. The PHA may also offer medical transfers (e.g., moving a person with mobility problems to a unit with accessible features).

c) **Category 2 Administrative Transfers**. Transfers within sites or between sites may be made to:

(1) Correct occupancy standards (mandatory: over or under the PHA's occupancy standards);

(2) Offer incentive transfers (voluntary) as described below.

Category 2 transfers to correct occupancy standards will only be made if the family size is smaller than the PHA's minimum-number-of-persons-per-unit standard for the household or larger than the maximum-number-of-persons-per-unit standard for the unit the family is occupying. These transfers are mandatory.

If a family's size is between the minimum and maximum occupancy limits for the unit, the family may request a transfer, but it shall be considered a Category 3 transfer.

d) **Category 3 Administrative Transfers.** Mandatory transfers within sites or between sites may be made to:

(1) Correct and avoid concentration of the most economically and socially deprived families;

(2) Correct occupancy standards (voluntary if the family is between the minimum and maximum occupancy standard but the family requests a transfer, e.g. to permit older children of opposite sexes to have separate bedrooms);

(3) Address situations that are not criminal but interfere with the peaceful enjoyment of the unit or common areas such as neighbor disputes.

Whenever feasible, transfers will be made within a resident's area.

C. Processing Transfers

1. The Occupancy Division will administer a centralized transfer waiting list. Managers are responsible for receiving and approving/denying requests for transfers including necessary documentation.

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2. Property managers will sort requests for transfer into categories on the transfer waiting list.
3. Admissions will be made in the following order:
   a) First emergency transfers; then
   b) Category I Administrative Transfers; then
   c) Category 2 Administrative Transfers; and finally
   d) Applicants.

   When the PHA vacancy rate exceeds 5% new admissions to applicants may take precedence before Category 1, Category 2, and Category 3 Administrative transfers.

   Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received from the manager.
4. Category 2 transfers to correct occupancy standards may be recommended at the time of reexamination or interim redetermination. This is the only method used to determine over/under-housed status.
5. Residents in a Category 2 over/under housed status will be advised in their thirty (30) day "'Notice of Result of Reexamination" that a transfer is recommended, and that the family has been placed on the transfer list.
6. Interviewers will record transfer recommendations in duplicate for each manager affected by the transfer.
7. When a head of a household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a Category 2 transfer until the child is two (2) years of age. Exceptions: spouse or partner returns to the unit, marriage takes place, or the family decides to remain in the unit and the unit is large enough (using the maximum-persons-per-unit standard) to accommodate the number of persons now in the household. (Other than for births that occur during tenancy, PHA's prior approval of additions to the household is required.)
8. Split-family transfers to resolve under-housing may be processed as Category 2 administrative transfers. Families that split into two "new" households will be transferred to two different units or a portion of the "old" household may be transferred to a single unit depending on family circumstances and unit availability. Options for split-family transfers will be considered in order to minimize the impact on vacant units. Families will not be allowed to add members to their household and request a split-family transfer in order to avoid the waiting list.
9. Category 3 transfers will only be processed after all other transfers have been accomplished.

D. Good Record Requirement for Transfers

1. In general, and in all cases of resident-requested transfers, residents will be considered for transfers only if they:
   a) Have not engaged in criminal activity that threatens the health and safety of residents and staff;
   b) Do not owe back rent or other charges, or evidence a pattern of late payment; and

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c) Meet reasonable housekeeping standards and have no housekeeping lease violations.

2. Exceptions to the good record requirements will be made for emergency transfers and to provide accessible housing or when it is to the PHA's advantage (e.g. a single person is living alone in a 3-bedroom unit and does not want to move) to move forward with the transfer. The determination to make an exception to the good record requirement will be made by the central transfer administrator with recommendation by the Manager.
3. Absent a determination of exception, the following policy applies to transfers:
   a) If back rent is owed the resident will not be transferred until a payment plan is established or, if prior payment plans have failed, back rent is paid-in-full.
   b) A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection.

E. Incentive Transfers

1. Incentive transfers are offered to residents without regard to their race, color, national origin, religion, sex, disability, or familial status, who have good rental histories and want to move to units other than those they currently occupy.
   a) Incentive Transfers - The PHA will occupy recently modernized and scattered site units through incentive transfers. Depending on the PHA's vacant unit status, modernized and scattered site units will be filled with incentive transfers, new applicants, or a combination of both. The PHA reserves the right to fill modernization and scattered site units in a manner that has the least impact on vacant units.
   b) Resident requests for incentive transfers should be made to the Housing Manager. Managers may also recommend a resident for an incentive transfer. In order for a resident to be considered for an incentive transfer the following conditions must be met:
      (1) Residency in a PHA development for at least three (3) years;
      (2) No repayment agreement or unpaid balance at any time in the past two (2) years;
      (3) 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;
      (4) Good housekeeping record.
2. Incentive Transfers are Category 2 administrative transfers. Scattered site incentive transfers and modernization incentive transfers may take precedence over new admissions.
3. No exceptions will be granted to the good record requirement for incentive transfers.

F. Cost of Transfers

The PHA will pay the reasonable cost of transfers initiated by the PHA due to demolition, disposition, revitalization, or rehabilitation; transfers required because of building system failure or other emergency condition the PHA is unable to repair in a timely manner; and transfers required as a reasonable accommodation for residents with disabilities. Resident will bear the cost for transfers due to change in family composition, moving to a non-accessible unit (when accessibly features are not required by the family,).

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Appendix J: Housekeeping Standards Policy

Housing Authority of Paducah

Paducah, Kentucky

Housekeeping Standards Policy

Adopted by PHA Board of Commissioners

Resolution No.: 935-26

Date of Adoption: 01/09/2026

Effective Date of Implementation: 02/01/2026

Authorized Use by the Housing Authority of Paducah

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Housekeeping Standards Policy

In an effort to improve the livability and conditions of the apartments owned and managed by the Authority, uniform standards for resident housekeeping have been developed for all resident families.

A. Authority Responsibility

The standards that follow will be applied fairly and uniformly to all Residents. The Authority will inspect each unit at least annually, to determine compliance with the standards. Upon completion of an inspection the Authority will notify the Resident in writing if he/she fails to comply with the standards. The Authority will advise the Resident of the correction(s) required to establish compliance. Within a reasonable period of time, the Authority will schedule a second inspection. Failure of a second inspection will constitute a violation of the Lease terms.

B. Resident Responsibility

The Resident is required to abide by the standards set forth below. Failure to abide by the Housekeeping Standards is a violation of the Lease terms and can result in eviction.

C. Interior Standards

1. General:
   a) **Walls**: should be clean, free of dirt, grease, holes, cobwebs, and fingerprints.
   b) **Floors**: should be clean, clear, and free of hazards.
   c) **Ceilings**: should be clean, free of dirt, grease, holes, cobwebs, and fingerprints.
   d) **Light Fixtures**: should be free of any dust build-up; light covers in place and not broken.
   e) **Windows**: should be clean and not nailed shut. Shades should be intact.
   f) **Woodwork (to include baseboards, stairways, windowsills, etc.)**: should be clean, free of dust, dirt, grease, holes, cobwebs, gouges, or scratches.
   g) **Doors**: should be clean, free of grease and fingerprints. Doorstops should be present. Locks should work.
   h) **Heating units & Water Heater Closet**: should be accessible (not blocked, no clutter) dusted and not used for storage.
   i) **Infestation**: No evidence of rodents or insect infestation; bait stations and traps clean.
   j) **Electric Hazards**: No electrical cords running loosely across floors (they must be taped down safely); no overloads, no hazards.
   k) **Trash**: shall be disposed of properly and not left in the unit.
   l) **Evidence of Pet**: litter box, cage, and/or fish tank clean and odor free; no evidence of urine or damage caused by pet.
   m) **Air Vents and Return Air Vents**: should be free of any dust/dirt build-up; return air vents should not be fully blocked so that air can properly circulate.
2. Kitchen:

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a) **Stove**: should be clean and free of food and grease.

b) **Refrigerator**: should be clean. Freezer door should close properly, and freezer have no more than one inch of ice. No stickers (decals) on refrigerators.

c) **Cabinets**: should be clean and neat. Cabinet surfaces and countertops should be free of grease and spilled food. Cabinets should not be overloaded. Storage under the sink should be limited to small or lightweight items to permit access for repairs. Do not store heavy pots and pans under the sink.

d) **Exhaust Fan**: should be free of grease and dust.

e) **Sink**: should be clean, free of grease and garbage. Dirty dishes should be washed and put away in a timely manner.

f) **Food storage areas**: should be neat and clean without spilled food.

g) **Trash/garbage**: should be stored in a covered container until removed to the disposal area.

3. Bathroom(s):

a) **Toilet and tank**: should be clean and odor free.

b) **Tub and shower**: should be clean and free of excessive mildew and mold. Where applicable, **shower curtains** should be in place, and of adequate length.

c) **Lavatory/Countertop**: should be clean.

d) **Exhaust fans**: should be free of dust.

4. Storage Areas:

a) **Linen closet**: should be neat and clean.

b) **Other closets**: should be neat and clean. No flammable materials should be stored in the unit**.**

c) **Other** storage areas: should be clean, neat and free of hazards.

D. Exterior Standards

Some of the following standards apply only when the area noted is for the exclusive use of the Resident:

1. Yards/Grassy Area: should be free of debris, trash, indoor furniture, tires, and abandoned cars. Bikes, Ride-on toys, etc. must be stored on the porch. Items left in the yard may be picked up and disposed of by the lawn crew or maintenance personnel.
2. Exterior walls: should be free of graffiti.
3. Porches (front and rear): should be clean and free of hazards. Any items stored on the porch shall not impede or block access to the unit.
4. Steps (front and rear): should be clean, and free of hazards.
5. Sidewalks: should be clean and free of hazards.
6. Storm/Screen Doors: should be clean; glass intact; no damage
7. Parking Area: should be free of abandoned cars. There should be no car repair in the lots.
8. Hallway/Stairwell: should be swept clean and free of debris; free of any tripping hazards.

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9. Laundry Area: should be swept clean; no soiled laundry piled up; lint removed from dryer; dryer vented to outside.
10. Utility/Storage Area: should be free of trash; no vehicle parts stored; no flammable materials.
11. Discarded Food/Grease: No evidence of grease or food disposed of outside of unit; no feeding dishes for animals outside of unit
12. Other: Laundry and yard tools should not be left out overnight.

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Appendix K: Eligible Unreimbursed Medical Expenses

Eligible Unreimbursed Medical Expenses

- **Services of health care professionals**: Physicians, nurses, dentists, opticians, mental health practitioners, chiropractors, etc.
- **Health care facilities**: Hospitals, clinics, outpatient facilities, HMOs, laser eye surgery.
- **Medical insurance premiums**: Payments to HMOs, Medicaid insurance payments, long-term care premiums.
- **Prescription and nonprescription medicines**: Aspirin, antihistamines (if prescribed for a specific condition).
- **Transportation and lodging**: Costs for travel to/from treatment, lodging expenses related to medical care.
- **Dental treatment**: Fees for dentists, x-rays, fillings, braces, dentures.
- **Eyeglasses and contact lenses**.
- **Medical equipment**: Hearing aids, wheelchairs, walkers, artificial limbs, oxygen equipment.
- **Attendant care**: Nursing services, assistance animals and their upkeep.
- **Payments on accumulated medical bills**: Scheduled payments for past medical expenses.
-

Non-Eligible Medical Expenses

- **Cosmetic surgery**: Procedures aimed at improving appearance without promoting proper body function or treating illness.
- **Health club dues**: Membership costs for clubs organized for business, pleasure, recreation, or social purposes.
- **Medical savings account contributions**: Amounts contributed to an Archer MSA.

These expenses must be anticipated for the 12 months following certification or recertification and exceed 3% of the household's gross income.

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Appendix L: Definitions

Low-Rent Public Housing

Abandonment

Means absence of the resident from the dwelling, without notice to the owner, for one full rental period or in excess of seven (7) days, whichever is less; providing such absence occurs only after rent for the dwelling unit is delinquent.

ACC Expiration Date

The last day of the term during which a particular public housing development is subject to all or any of the provisions of the Annual Contributions Contract (ACC). The ACC term for a particular development expires at the latest of:

1. The end of the "Debt Service Completion Date," which is the last day of a one-year period beginning with, and inclusive of, the last debt service Annual Contribution Date for the development, as determined under the ACC (e.g., if the last debt service Annual Contribution Date is June 15, 1983, the one-year period continues through the end of the day on June 14, 1984, which is the debt Service Completion Date); or
2. The end of the date of full repayment of any indebtedness of the PHA to the Federal government in connection with the development; or
3. The end of the last date of an extension of the term of the ACC provisions related to development operation, as effected under 24 CFR, Sections 969.105, Extension of ACC upon Payment of Operating Subsidy, or 969.106, ACC Extension in Absence of Current Operating Subsidy.

Accessible

1. When used with respect to the design, construction, or alteration of a facility or a portion of a facility other than an individual dwelling unit, means that the facility or portion of the facility when designed, constructed or altered, can be approached, entered, and used by individuals with physical disabilities. The phrase "accessible to and usable by" is synonymous with accessible.
2. 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.
3. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR, Part 8, Section 8.32, is "accessible" within the meaning of paragraph 2.
4. When a unit in an existing facility which is being made accessible as a result of alterations is intended for use by a specific qualified individual with disabilities (e.g., a current occupant of such unit or of another unit under the control of the same recipient, or an applicant on a waiting list), the unit will be deemed accessible if it meets the requirements of applicable standards that address the particular disability or impairment of such person.

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Accessible Route

A continuous unobstructed path connecting accessible elements and spaces in a building or facility that complies with the space and reach requirements of applicable standards prescribed by 24 CFR, Part 8, and section 8.32. An accessible route that serves only accessible units occupied by persons with hearing or vision impairments need not comply with those requirements intended to effect accessibility for persons with mobility impairments.

Adaptability

The ability of certain elements of a dwelling unit, such as kitchen counters, sinks, and grab bars, to be added to, raised, lowered, or otherwise altered, to accommodate the needs of persons with or without disabilities, or to accommodate the needs of persons with different types or degrees of disability. For example, in a unit adaptable for a hearing-impaired person, the wiring for visible emergency alarms may be installed, but the alarms need not be installed until such time as the unit is made ready for occupancy by a hearing-impaired person.

Adjusted Income

Adjusted Income means Annual Income less the following allowances, determined in accordance with HUD instructions:

1. $480 for each Dependent;
2. $400 for any Elderly Family;
3. For any family that is not an Elderly Family or disabled family, but has a member other than the head of household or spouse, Handicapped/Disabled Assistance Expenses in excess of three percent of Annual Income, but this allowance may not exceed the employment income received by Family members who are 18 years of age or older, as a result of the assistance to the Disabled Person;
4. For any Elderly or Disabled Family,
   a) That has no disability assistance expenses, an allowance for Medical Expenses, equal to the amount by which the Medical Expenses exceed three percent of Annual Income;
   b) That has Disability Assistance Expenses greater than or equal to three percent of Annual Income, an allowance for Disability Assistance expenses computed in accordance with paragraph 3, above, plus an allowance for medical expenses, that is equal to the Family's Medical Expenses;
   c) That has Disability Assistance Expenses that are less than three percent of Annual Income, an allowance for combined Disability Assistance Expenses and Medical Expenses, that is equal to the amount by which the sum of these expenses exceeds three percent of Annual Income; and
5. Child Care Expenses.

Adult (Drug-Related and Criminal Activity)

A person who is 18 years of age or older, or has been convicted of a crime as an adult under any Federal, State or Tribal law

Annual Contributions Contract

A contract under the Housing Act of 1937, as amended, between HUD and the PHA, containing the terms and conditions under which the Department assists the PHA in providing decent, safe, and sanitary, housing for low-income families. The ACC must be in a form prescribed by HUD,

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under which HUD agrees to provide assistance in the development, modernization, and/or operation of a low-income housing development under the Act, and the PHA agrees to develop, modernize, and operate the development in compliance with all provisions of the ACC and the Act, and all HUD regulations and implementing requirements and policies.

Annual Income

The total amount of income that the family anticipates receiving during the year following the date of income calculation

Annual Income includes all amounts, monetary or not, which:

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

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

Which are not specifically excluded by law, regulation or notice.

Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

Applicant

A person or a family that has applied for housing assistance.

Application for Admission

A written form, completed in accordance with PHA requirements, signed by the applicant, and submitted to the PHA. The purpose of the application is to determine whether the applicant is eligible for Public Housing.

Auxiliary Aids

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 receiving Federal financial assistance. For example, auxiliary aids for persons with impaired vision may include readers, Braille materials, audio recordings, and other similar services and devices. Auxiliary aids for persons with impaired hearing may include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, note takers, written materials, and other similar services and devices.

Building Entrance on an Accessible Route

An accessible entrance to a building that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to public streets or sidewalks, if available. A building that complies with ANSI A117.1-1986 or a comparable standard complies with the requirements of this paragraph.

Check-meter

A device for measuring utility consumption within each individual dwelling unit where the utility service is supplied to the PHA through a Master-meter System. The PHA pays the Utility Supplier of the Utility Service on the basis of the Master-meter readings and uses the Check-meter to determine whether and to what extent the Utility consumption of each dwelling unit is in excess of the Allowance for PHA-Furnished Utilities.

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Child

A member of the family, other than the family head or spouse, who is under 18 years of age. For continued assistance under Restrictions on Assistance to Non-citizens only: Biological or adopted children only. Stepchildren (not related to either the head of the household or the spouse) and guardianship of minors (either formal or informal) are excluded.

Child Care Expenses

Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education, and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare, and in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen

A citizen by birth, naturalization, or national of the United States.

Common Use Areas

Rooms, spaces or elements, inside or outside of a building, that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, lobbies, and laundry rooms, refuse rooms, mailrooms, recreational areas and passageways among and between buildings.

Community Service

The performance of voluntary work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, or/and increase the self-responsibility of the resident within the community in which the resident resides.

Complainant

Any resident whose grievance is presented to the PHA or at the project management office.

Continued Assistance Family

This is a mixed family who meets all the following requirements:

1. The family was receiving assistance under a Section 214 covered program on June 19, 1995; and
2. Whose head of the household or spouse has eligible immigration status according to the requirements of the restrictions on assistance to non-citizens; and
3. The family does not include any person (who does not have eligible immigration status) other than:
   a) The head of the household;
   b) Any spouse of the head of the household;
   c) Any parents of the head of the household;
   d) Any parents of the spouse;
   e) Any children of the head of the household or spouse.

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This does not define “family” for purposes of eligibility at the PHA (see “Family” in this Definitions section).

Contract of Participation

A contract is a form approved by HUD, entered into between a participating family and a PHA operating an FSS program that sets forth the terms and conditions governing participation in the FSS program. The contract of participation includes all individual training and services plans entered into between the PHA and all members of the family who elect to participate in the FSS program. These plans are attached to the contract of participation as exhibits.

Controlled Substance

Any drug or other substance, or immediate precursor included in the definition in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Covered Families

Families who receive welfare assistance or other public assistance benefits from a State or other public agency under a program for which Federal State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition of such assistance.

Covered Person (Drug-Related and Criminal Activity)

A tenant, any member of the tenant’s household, a guest or another person under the tenant’s control.

Currently Engaging In Illegal Use of a Drug

With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in, means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual’s behavior is current.

Dating Violence

The term ‘dating violence means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

Day Laborer

An individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.

Decent, Safe and Sanitary Housing (In Good Repair)

Housing is decent, safe, sanitary, and in good repair if the requirements of 982.401 (Housing Quality Standards) and the Uniform Physical Condition Standards implemented by HUD in September of 1998 are met.

Dependent

A member of the Family (except foster children and foster adults) other than the Family head or spouse, who is under eighteen (18) years of age, or is a person with a disability, or is a full-time student.

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Deposit (Security)

Means, an amount of currency, or an instrument delivered to the owner by the resident as a pledge to abide by terms or conditions of the rental agreement.

Dilapidated Housing

See the definitions of Substandard Housing.

Disability Assistance Expenses

Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Disabled Family

Disabled family means a family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

A person who is under a disability, as defined in Section 233 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act; 42 U.S.C. 6001 (7).

Section 223 of the Social Security Act defines disability as:

1. Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than 12 months; or
2. In the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness" as defined in the Social Security Act), inability by reason of such blindness to engage in substantial gainful activity in which he/she has previously engaged with some regularity and over a period of time.

Disabled Person (or “Person with a Disability”)

This definition no longer includes any person whose “disability” is solely related to drug or alcohol dependency.

Disallowance

An exclusion from annual income.

Discriminatory Housing Practice

An act that is unlawful under Section 804, 805, 806, or 818 of the Fair Housing Act.

Displaced Person/Family

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

Divestiture Income

Imputed income from assets disposed of by an applicant or tenant in the last two years for less than fair market value.

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Domestic Violence

The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse, by a person with whom the victim shares a child in common, by a person who cohabitating with or has cohabitated with the victim as spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Drug

A controlled substance as defined in section 102 of the Controlled Substances Act.

Drug Abuse Treatment Facility

An entity:

That holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to illegal drug use; and

That is either an identified unit within a general care facility; or an entity other than a general medical care facility.

Drug-Related Criminal Activity

The illegal manufacture, sale, distribution, or use of a drug, or possession of a drug with intent to manufacture, sell, distribute or use the drug.

Dwelling

Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

Earned Income

Earned Income is defined as income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare assistance, Social Security, and other governmental subsidies/benefits), or any cash or in-kind benefits.

Economic Self-Sufficiency Program

Any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include job training, employment counseling, work placement, basic skills training, education, English proficiency, financial or household management, apprenticeship and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Elderly Family

Elderly family means a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

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Elderly Person

An individual who is at least 62 years of age.

Elements of Due Process

Means an eviction action or termination of tenancy in a State or local court in which the following safeguards are required:

1. Adequate notice to the resident of the grounds for terminating the tenancy and for eviction.
2. Opportunity for the resident to examine all relevant documents, records and regulations of the PHA, prior to the trial, for the purpose of preparing a defense.
3. Right of the resident to be represented by counsel.
4. Opportunity for the resident to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses, and to present any affirmative legal or equitable defense which the resident may have.
5. A decision on the merits.

Elevated Blood Lead Level

Excessive absorption of lead, that is, a confirmed concentration of lead in whole blood of 25 ug/dl (micrograms of lead per deciliter of whole blood) or greater.

Eligible Families

Current residents of public housing and applicants who have been screened and notified they are eligible but a unit is not yet available for them.

Emergency Condition

A situation in which failure to supply immediate relief would pose a serious threat to the life, health, or safety of the applicant for admission.

Enrollment

Enrollment means the date that the FSS family entered into the contract of participation with the PHA.

Escrow Deposit

An amount in dispute with respect to rent or other charges which must be paid by the family and held by the PHA pending resolution of a grievance. Escrows are not required for families requesting minimum rent hardship exemption or contesting a reduction in welfare benefits.

Evidence of Citizenship or Eligible Immigration Status

The documents that must be submitted as evidence of citizenship or eligible immigration status.

Expedited Grievance

The procedure established by the PHA for any grievance concerning a termination of tenancy or eviction that involves:

1. Any criminal activity that threatens the health, safety and right to peaceful enjoyment of the PHA's public housing premises by other residents or employees of the PHA; or
2. Any drug-related or violent criminal activity on or off PHA premises.

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Extremely Low-Income Family

A “very low-income family” whose annual income does not exceed the higher of:

The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in Puerto Rico or any other territory or possession of the United States); or

30% of the median income for the area, as determined by HUD, with adjustment for smaller and larger family, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Eviction

Means any action initiated by the owner to regain possession of a dwelling unit and use of the premises.

Fair Housing Act

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600-3620).

Familial Status

One or more individuals (who have not attained the age of 18 years) being domiciled with:

1. A parent or another person having legal custody of such individual or individuals; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant, or is in the process of securing legal custody of any individual who has not attained the age of the 18 years.

Family

Family includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

1. A single person, who may an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
2. An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or
3. A group of persons residing together, and such group includes, but is not limited to:
4. A family with or without children (a child who is temporarily away from home because of placement in foster care is considered a member of the family);
5. An elderly family;
6. A near-elderly family
7. A disabled family;

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8. A displaced family; and
9. The remaining member of a tenant family.

Family Income

Means monthly income as defined in HUD regulations, i.e., annual income divided by 12.

Family Project (Family Development/General Occupancy Development)

Any development assisted under Section 9 of the U.S. Housing Act of 1937, which is not an elderly development. For this purpose, an elderly development is one that was designated for occupancy by the elderly at its inception (and has retained that character) or, although not so designated, for which the PHA gives preferences in tenant selection (with HUD approval) for all units in the development to elderly families. A building within a mixed-use development which meets these qualifications shall, for the purposes of 24 CFR, Part 965, Subpart H, Lead-Based Paint Poisoning Prevention, be excluded from any family development. Zero bedroom units, for the purposes of Subpart H, are excluded from any family development.

Family Self-Sufficiency (FSS)

Family Self-Sufficiency program or FSS program means the program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the provision of supportive services to these families, as authorized by section 23 of the U.S. Housing Act of 1937.

FSS Account

FSS account means the FSS escrow account authorized by section 23 of the U.S. Housing Act of 1937.

FSS Credit

FSS credit means the amount credited by the PHA to the participating family's FSS account.

FSS Family

FSS family or participating family means a family that resides in public housing, and that elects to participate in the FSS program, and whose designated head of the family has signed the contract of participation.

FSS-Related Service Program

FSS-related service program means any program, publicly or privately sponsored, that offers the kinds of supportive services described in the definition of "supportive services" set forth in regulations.

FSS Slots

FSS slots refer to the total number of public housing units that comprise the minimum size of a PHA's public housing FSS program.

Federal Preference

The Quality Housing and Work Responsibility Act of 1998 has permanently eliminated federal preferences. However, the language and criteria of the former Federal preferences may be retained or adopted by the PHA as their local preferences. Therefore these definitions remain without the reference to “Federal”. Means a resident selection preference for admission of applicant families that are any of the following:

1. Involuntarily displaced;

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2. Living in substandard housing (including families that are homeless or living in a shelter for the homeless);
3. Paying more than 50 percent of family income for rent.

Federally Assisted Housing (Drug-Related and Criminal Activity)

1. Public housing;
2. Housing receiving project-based or tenant-based assistance under Section 8 of the U.S. Housing Act of 1937;
3. Housing that is assisted under Section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing Act;
4. Housing that is assisted under Section 202 of the Housing Act of 1959; as such section existed before enactment of the National Affordable Housing Act;
5. Housing that is assisted under Section 811 of the National Affordable Housing Act;
6. Housing financed by a loan or mortgage insured under section221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;
7. Housing insured assisted or held by HUD or by a State or local agency under section 236 of the National Housing Act;
8. Housing assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949.

Fixed Source of Income

A family member with a fixed source of income is a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources:

a) Social Security, Supplemental Security Income (SSI), Supplemental Disability Insurance;
b) Federal, state, local, or private pension plans;
c) Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or
d) Any other source of income subject to adjustment by a verifiable COLA or current rate of interest

Flat Rent

Flat rent is determined annually by the PHA and is based on the market rental value of the unit. The PHA will establish a flat rent for each public housing unit that is:

a) No less than 80 percent of the applicable Fair Market Rent (FMR); or
b) No less than 80 percent of an applicable small area FMR (SAFMR) or unadjusted rent, if applicable, as determined by HUD, or any successor determination, that more accurately reflects local market conditions and is based on an applicable market area that is geographically smaller than the applicable market area. If HUD has not determined an applicable SAFMR or unadjusted rent, the PHA must rely on the applicable FMR; or
c) Established based on an exception from HUD.

The PHA must revise, if necessary, the flat rent amount for a unit no later than 90 days after HUD issues the new FMRs.

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For unit where utilities are tenant-paid, the PHA must adjust the flat rent downward by the amount of a utility allowance for which the family might otherwise be eligible.

If a new flat rent would cause a family's rent to increase by more than 35%, the family's rent increase must be phased in at 35% annually until such time that the family chooses to pay the income-based rent, or the family starts to pay the established flat rent.

Foster adult.

A member of the household who is 18 years of age or older and meets the definition of a foster adult under State law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

Foster child

A member of the household who meets the definition of a foster child under State law. In general, a foster child is placed with the family by an authorized placement agency (*e.g.,* public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

Full-time Student

A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with or without a diploma or certificate program, as well as an institution offering a college degree.

Gender Identity

Means actual or perceived gender-related characteristics.

Good Faith

Means honesty in fact, in the conduct of the transaction concerned, as evidenced by all surrounding circumstances.

Grievance

Any dispute which a resident may have with respect to PHA action or failure to act in accordance with the individual resident's lease, or PHA regulations which adversely affect the individual resident's rights, duties, welfare, or status.

Guest (Drug Related or Criminal Activity)

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 966 and 982 apply to these guests.

Handicap/Disability

With respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities; a record of having such an impairment, or being regarded as having such an impairment. This term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act; 21 U.S.C. 802). For the purpose of 24 CFR Part 100, Discriminatory Conduct Under the Fair Housing Act, an individual shall not be considered to have a disability solely because that individual is a

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transvestite (a person, especially a male, who dresses in the clothing of the opposite sex for psychological reasons).

Handicapped/Disabled Assistance Expenses

Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Disabled Family member, and that are necessary to enable a Family member (including the Disabled member) to be employed, provided that the expenses are neither paid to a member of the Family nor reimbursed by an outside source.

Handicapped/Disabled Person

A person having a physical or mental impairment that:

1. Is expected to be of long-continued and indefinite duration;
2. Substantially impedes the person's ability to live independently; and
3. Is of such a nature that such ability could be improved by more suitable housing conditions.

Has a Record of Such an Impairment

As used in the definition of Disability, 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.

Head of Household

The head of household is the adult member of the family who is designated for purposes of determining income eligibility and rent.

Health and Medical Care Expenses

Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

Hearing Officer/Hearing Panel

An impartial person or persons selected by the PHA, other than the person who made or approved the decision under review, or a subordinate of that person. Such individual or individuals do not need legal training.

Homelessness

Per PIH Notice 2013-15, the PIH definition for IMS-PIC reporting (Form 50058) is narrowed to the following two categories found in The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act).

Category 1: An individual or family who **lacks a fixed, regular, and adequate nighttime residence,** meaning:

1. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; **or**
2. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing,

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and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); **or**

3. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

Category 4: Any individual or family who:

1. Is **fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking,** or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; **and**
2. Has no other residence; **and**
3. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing

Household (Drug-Related and Criminal Activity)

The family and PHA-approved live-in aide.

Housing Agency (HA)

A State, county, municipality or other governmental entity or public body authorized to administer the program. The term "HA" has been replaced by the term "PHA" (Public Housing Agency) and no longer includes an Indian Housing Authority (IHA).

Housing Assistance Limitation for Single Persons

A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family may not be provided public housing and other project-based assistance in a housing unit with two or more bedrooms.

Housing Manager/Assistant Housing Manager

A Housing Manager is any person who, irrespective of title, is responsible for the day-to-day management and operation, which may include the supervision of employees, of a low-income housing development or developments. An Assistant Housing Manager is any person who, irrespective of title, is responsible for assisting a Housing Manager in performing his/her managerial responsibilities.

Housing Provider (Responsible Entity)

1. The owner or manager of the housing facility;
2. The owner or manager of the common and public use areas of a housing facility, when the dwelling units are individually owned;
3. The term "housing provider" may include any person or entity that operates a housing facility. The term "housing provider" includes any person or entity that represents the property owners of a community in their housing interest, including homeowners or resident associations, whether or not there is common ownership operation of any portion of a community.

Housing Subsidies

Means, assistance to meet the costs and expenses of temporary shelter, rental housing or homeownership, and includes rent, mortgage or utility payments.

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HUD

The Department of Housing and Urban Development or its designated officer or employee.

HUD Field Office

Any HUD Office that has been delegated authority under the U.S. Housing Act of 1937 to perform functions pertaining to the area in which the PHA is located.

Immigration and Naturalization Service (INS)

Now called the U.S. Citizenship and Immigration Services (CIS).

Imputed Welfare Income

The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Income Limits

HUD establishes Extremely Low-Income, Very Low-Income and Low-Income limits that are used to determine if assisted housing program applicants qualify for admission to HUD-assisted programs. These income limits are based on HUD estimates for area median family income (using Metropolitan Statistical Areas or Primary Metropolitan Statistical Areas as defined by the Office of Management and Budget (OMB), and the Bureau of the Census definition of family) with specific statutorily permissible adjustments. If the income limits based on this approach would be less than if based on the relevant State non-metropolitan median family income level, income limits are based on the State non-metropolitan family income level.

Income-Based Rent

An amount based on the projected family income for the subsequent 12 month period.

Independent contractor

An individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.

Indian

Any person recognized as being an Indian or Alaska Native by an Indian tribe, the Federal Government, or any State.

Individual Training Services Plan

Means a written plan that is prepared for the head of the FSS family, and each adult member of the FSS family who elects to participate in the FSS program, by the PHA in consultation with the family member, and which sets forth:

1. The supportive services to be provided to the family member;
2. The activities to be completed by that family member; and
3. The agreed upon completion dates for the services and activities. Each individual training and services plan must be signed by the PHA and the participating family member, and is attached

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to, and incorporated as part of the contract of participation. An individual training and services plan must be prepared for the head of the FSS family.

Individual with a Disability

A person having a physical or mental impairment that: (a) is expected to be of long-continued and indefinite duration; (b) substantially impedes the person's ability to live independently, and (c) is of such a nature that such ability could be improved by more suitable housing conditions.

Is Regarded as Having an Impairment

As used in the definition of Disability, means:

1. Has a physical or mental impairment that does not substantially limit one or more major life activities, but that is treated by another person as constituting such a limitation;
2. Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
3. Has none of the impairments defined under the definition of "physical or mental impairment," below, but is treated by another person as having such an impairment.

Kin-GAP Payments

Kin-GAP payments are subsidies that go to, or on behalf of, children leaving the juvenile court system to live with a relative or legal guardian. This is an excluded income.

Kinship Care Payments

Kinship care payments are foster care subsidies that go to, or on behalf of, children living with a relative or legal guardian. This is an excluded income.

Law Enforcement Agency

The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

Lead-Based Paint

A paint surface, whether or not defective, identified as having a lead content greater than or equal to one microgram of lead per square centimeter (one centimeter is slightly more than three-eighths of an inch).

Live-In Aide

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

1. Is determined by the PHA to be essential to the care and well-being of the person or persons;
2. Is not obligated for support of the person or persons, and
3. Would not be living in the unit except to provide necessary supportive services. (See the definition of Annual Income for treatment of a Live-In Aide's income.)

Local Preference

A preference used by the PHA to select among applicant families.

Location (or Site)

A term used to identify units located in any common geographical area. It may be a development, a portion of a development, two or more developments, or an entire development plus one or

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more portions of another development. If the units are divided by a major architectural or topographical barrier, such as a freeway, stream or retaining wall, that substantially impairs mutual access, the separated units constitute separate locations or sites.

Low-Income Family

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. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family income.

Major Life Activities

As used in the definition of Disability, means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Management Contract

A written agreement between a resident management corporation and a PHA as provided by 24 CFR 964.35, Management Responsibilities.

Marriage

Marriage certified by a formal marriage license, or an informal marriage, as may be specified in State or local laws or regulations.

Master-Meter System

A Utility distribution system in which a PHA is supplied Utility Service by a Utility supplier, through a system meter or meters, and distributes the Utility Service to its residents.

Medical Expenses

Those medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. (Medical expenses are allowable only for Elderly or Disabled Families.)

Minimum Rent

An amount of rent to be paid by each family as directed by HUD and determined by the PHA. The minimum rent amount must be established between $00.00 and $50.00 and includes the utility allowance. Hardship exemptions as outlined in the Admissions and Continued Occupancy Policy and Dwelling Lease apply.

Minor

A member of the family, other than the head of family or spouse, who is under 18 years of age.

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

A public housing project, or portion of a project that is reserved for elderly families and disabled families at its inception (and has retained that character). If the project was not so reserved at its inception the PHA has obtained HUD approval to give preference in Tenant Selection for all units

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in the project (or portion of project) to elderly families and disabled families. These projects formerly were known as elderly projects.

Monthly Adjusted Income

One-twelfth of Adjusted Income.

Monthly Income

One-twelfth of Annual Income.

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, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.

Near-Elderly Person/Family

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

Net Family Assets

1. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD home-ownership programs or FSS savings accounts.
2. The value of necessary items of personal property, such as furniture and automobiles, shall be excluded.
3. In cases where a trust fund has been established and the trust is not revocable by, or under the control of any member of the Family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.
4. In determining Net Family Assets, the PHA shall include the value of any assets disposed of by an applicant or resident for less than fair market value, (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program, or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or resident received important consideration not measurable in dollar terms.

Non-citizen

A person who is neither a citizen nor a national of the United States.

Normal Wear and Tear

Means deterioration which occurs, based upon the use for which the rental unit is intended, without negligence, carelessness, accident, abuse or intentional damage of the premises, equipment or chattels of the owner by the resident, members of the resident's household, or by his/her invitees or guests. However, un-cleanliness does not constitute normal wear and tear.

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Occupancy Standards

These standards are established by the PHA for determining the number of bedrooms required for families of different sizes and compositions.

Older Person

A person 55 years of age or older.

Other Person Under the Tenant's Control, for the Purposes of the Definition of Covered Person (Drug-Related and Criminal Activity)

The person, although not staying as a guest (as defined under "guest') in the unit, is, or was at the time of the activity in question, on the premises (as defined under "premises") because of an invitation express or implied 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.

Over-Income Family

An individual or family who is not a low-income family at the time of initial occupancy. The over-income limit is set at one hundred twenty percent (120%) of the area median income. HUD has the ability to adjust the over-income limit if the Secretary determines that it is necessary due to prevailing levels of construction costs or unusually high or low family income, vacancy rates, or rental costs.

Participant

Has the following meaning for the programs referred to in the regulations.

1. Part 960: a resident under the program.
2. Part 905: a resident or homebuyer under the program.

Partnership Process

A specific and ongoing process that is designed to ensure that residents, resident groups, and the PHA work in a cooperative and collaborative manner to develop, implement and monitor the CIAP or CGP. At a minimum, a PHA shall ensure that the partnership process incorporates full resident participation in each of the required program components.

Passbook Rate

The interest rate, as determined by the PHA, used in calculating the imputed income from assets.

Passbook Rate Calculation

The PHA will use the HUD established Passbook Rate that is in effect on the first day of the PHA's fiscal year. The PHA will review the passbook rate annually and adjust it accordingly on the first day of the PHA's fiscal year, to be effective for transactions dated on or after July 1.

Paying More Than 50 Percent of Family Income for Rent

See the definition of Rent Burden Preference, below.

Person in the Business of Selling or Renting Dwellings means any person who:

1. Within the preceding twelve (12) months, has participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

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2. Within the preceding twelve months, has participated as agent, other than in the sale or his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or
3. Is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

PHAS (Public Housing Assessment Program)

The revised assessment program for public housing a authority that became effective on October 1, 1998, and applies first to housing authorities with fiscal years ending September 30, 1999.

PHMAP

This assessment program has been replaced by PHAS.

The Public Housing Management Assessment Program (PHMAP) is a process designed to allow HUD and the PHA to identify PHA management capabilities and deficiencies, and to lead to overall better management of the public housing program, in accordance with 24 CFR part 901.

Physical or Mental Impairment

As used in the definition of Disability, includes:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; Genitourinary; hemic and lymphatic; skin; and endocrine; or
2. 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, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

Police Officer

A person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of an accredited police force of a housing agency may qualify.

Preference Over Single Persons

The following preference has been eliminated unless the PHA specifically adopts this preference locally: An applicant that is a one-or two-person elderly, disabled or displaced family, must be given a preference over an applicant that is a single person who is not an elderly, displaced person, or a person with disabilities, regardless of the applicant’s local preferences.

Premises

Means, facilities, appurtenances, areas and other facilities held out for use of the resident, or whose use is promised to the resident coincidental with occupancy of a dwelling unit. For purposes of Drug-Related and Criminal Activity, premises means, the building or complex or development in which the public housing unit is located, including common areas and grounds.

Preponderance of Evidence

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Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Processing Entity

The person or entity that, under any of the programs covered in 24 CFR, Part 5.210-5.238, is responsible for making eligibility and related determinations and any income reexaminations.

Project (Development)

Includes any of the following that meet the requirements of 24 CFR, Part 964, Resident Participation and Management in Public Housing:

1. One or more contiguous buildings;
2. An area of contiguous row houses;
3. Scattered site buildings.

The whole of one or more residential structures and appurtenant structures, equipment, roads, walks, and parking lots which 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.

Project (Development) for the Elderly or Disabled (24 CFR, Section 942.3)

Means any development assisted under the Unites States Housing Act of 1937 (other than under Section 8 or Section 17 of the Act), including any building within a mixed-use development, that was designated for occupancy by the elderly or disabled at its inception, or, although not so designated, for which the PHA gives preference in Tenant Selection (with HUD approval) for all units in the development (or for a building within a mixed-use development) to elderly or disabled families. For the purposes of 24 CFR, Part 942, Pet Ownership in Public Housing for the Elderly or Disabled, this term does not include developments assisted under the Low-Rent Housing Homeownership Opportunity program--Turnkey III; 24 CFR, Part 5.300 et al, or under Title II of the U.S. Housing Act of 1937--Indian Housing; 24 CFR, Part 905.

Public Housing Agency (PHA)

Any State, county, municipality, or other governmental entity or public body, (or agency or instrumentality thereof) that is authorized to engage in or to assist in the development or operation of low-income housing. For the purposes of 24 CFR, Part 942, Resident Participation and Management in Public Housing, the term Public Housing Agency does not include Indian Housing Authorities.

Public Use Areas

Interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

Qualified Individual With Disabilities

1. With respect to employment, an individual with disabilities who, with reasonable accommodation, can perform the essential functions of the job in question; and
2. With respect to any non-employment program or activity which requires a person to perform services or to achieve a level of accomplishment, an Individual With Disabilities who meets the essential eligibility requirements and who can achieve the purpose of the program or

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activity without modifications in the program or activity that the recipient can demonstrate would result in a fundamental alteration in its nature; or

3. With respect to any other non-employment program or activity, an Individual With Disabilities who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.
4. 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 recipient. For example, a chronically mentally ill person whose particular condition poses a significant risk of substantial interference with the safety or enjoyment of others or with his or her own health or safety, in the absence of necessary supportive services, may be "qualified" for occupancy in a development where such supportive services are provided by the recipient as part of the assisted program. The person may not be "qualified" for a development lacking such services.

Reasonable Accommodation

Means making alterations or adaptation to provide access to otherwise qualified individuals with disabilities, in the use of the program and facilities, without causing undue hardship or substantially altering the program or activity.

Remaining Member of a Tenant/Resident Family

Means a person who was a member of a household occupying a PHA dwelling unit, and who remains in the unit after other members of the household have departed, usually because of marriage, separation, divorce, death, or long-term illness requiring placement in a nursing home or other facility.

Rent

See definitions of rent as stated in Rent Burden Preference as noted below.

Rent Burden Preference

1. "Rent burden preference" means the preference for admission of applicants that pay more than 50 percent of family income for rent.
2. For purposes of determining whether an applicant qualifies for the rent burden preference:
   a) "Family income" means Monthly Income, as defined in 24 CFR 5.603.
   b) "Rent" means:
      (1) The actual monthly amount due under a lease or occupancy agreement between a family and the family's current landlord; and
      (2) For utilities purchased directly by residents from utility providers:
         a. The utility allowance for family-purchased utilities and services that is used in the PHA resident-based program, or
         b. If the family chooses, the average monthly payments that the family actually made for these utilities and services for the most recent 12_month period or, if information is not obtainable for the entire period, for an appropriate recent period.

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c. Amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the otherwise applicable rental amount, to the extent that they are not included in the family's income.

d. For PHAs and IHAs administering programs under 24 CFR Chapter IX, the utility allowance would represent the PHA's or the IHA's estimate of the cost of utilities.

3. An applicant does not qualify for a rent burden preference if either of the following is applicable:

   a) The applicant has been paying more than 50 percent of income for rent for less than 90 days.

   b) The applicant is paying more than 50 percent of family income to rent a unit because the applicant's housing assistance for occupancy of the unit under any of the following programs has been terminated because of the applicant's refusal to comply with applicable program policies and procedures on the occupancy of under-occupied and overcrowded units:

      (1) The Section 8 programs or public and Indian housing programs under the United States Housing Act of 1937;

      (2) The rent supplement program under section 101 of the Housing and Urban Development Act of 1965; or

      (3) Rental assistance payments under section 236(f)(2) of the National Housing Act.

4. An applicant may not qualify for a rent-burden preference if the applicant is paying more than fifty percent (50%) of family income to rent a unit because the applicant's housing assistance with respect to that unit has been terminated as a result of his or her refusal to comply with applicable program policies and procedures regarding the occupancy of under-occupied and overcrowded units.

Residency Preference

A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

Residency Preference Area

The specified area where families must reside to qualify for a residency preference.

Resident

Means a person entitled, under a rental agreement, to occupy a dwelling unit in peaceful possession, to the exclusion of others, and includes the owner of a mobile home renting premises, other than a lot or parcel in a mobile home park, for use as a site for the location of the mobile home.

Resident Council

An incorporated or unincorporated non-profit organization or association that meets each of the following requirements:

1. It must be representative of the residents it purports to represent.
2. It may represent residents in more than one development or in all of the developments of a PHA, but it must fairly represent residents from each development that it represents.

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3. It must adopt written procedures providing for the election of specific officers on a regular basis (but at least once every three years).
4. It must have a democratically elected governing board. The voting membership of the board must consist of residents of the development or developments that the resident organization or resident council represents.

Resident Groups

Democratically elected resident groups such as PHA-wide resident groups, area-wide resident groups, single development resident groups, or RMCs.

Resident Management

The performance of one or more management activities for one or more developments by a resident management corporation under a management contract with the PHA.

Resident Management Corporation

The entity that proposes to enter into, or enters into, a management contract with a PHA that meets the requirements of 24 CFR, Part 964, Subpart C, Resident Management Under Section 20 of the U.S. Housing Act of 1937. The corporation must have each of the following characteristics:

1. It must be a non-profit organization that is incorporated under the laws of the State in which it is located.
2. It may be established by more than one resident organization or resident council, so long as each such organization or council (a) approves the establishment of the corporation and (b) has representation on the Board of Directors of the corporation.
3. It must have an elected Board of Directors.
4. Its bylaws must require the Board of Directors to include representatives of each resident organization or resident council involved in establishing the corporation.
5. Its voting members must be residents of the development or developments it manages.
6. It must be approved by the resident council. If there is no council, a majority of the households of the development must approve the establishment of such an organization to determine the feasibility of establishing a corporation to manage the development.
7. It may serve as both the resident management corporation and the resident council, so long as the corporation meets the requirements of 24 CFR, Part 964, for a resident council.

Responsible Entity

The PHA administering the low-income public housing program under an ACC with HUD.

Retail Service

Purchase of utility service by PHA residents directly from the utility supplier.

Section 214

Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a). Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

Section 214 Covered Programs

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Programs to which the restrictions imposed by Section 214 apply are programs that make available financial assistance pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437-1440), Section 235 or Section 236 of the National Housing Act (12 U.S.C. 1715z-1) and Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

Section 504

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, as it applies to programs or activities receiving Federal financial assistance.

Self-Sufficiency

Means, a FSS family is no longer receiving welfare assistance. Achievement of self-sufficiency, although a FSS program objective, is not a condition for receipt of the FSS account funds.

Sexual Orientation

Means homosexuality, heterosexuality or bisexuality.

Single Person

A person who lives alone, or intends to live alone, and who does not qualify as an Elderly Family, a Displaced Person, or the Remaining Member of a Resident Family.

Social Security Number

The number that is assigned to a person by the Social Security Administration of the Department of Health and Human Services, and that identifies the record of the person's earnings that are reported to the Administration. The Social Security Number has nine digits separated by hyphens, as follows: 000-00-0000. It does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary under the Social Security System.

Special Admission

Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

Specified Welfare Benefit Reduction

A reduction of welfare benefits, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program. It does not include a reduction or termination of welfare benefits by the welfare agency:

1. at expiration of a lifetime or other time limit on the payment of welfare benefits;
2. because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements;
3. because a family member has not complied with other welfare agency requirements.

Spouse

Means: the husband or wife of the head of the household. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common law marriage. It does not cover boyfriends, girlfriends, significant others, or “co-head.” “Co-head” is a term recognized by some HUD programs, but not in public and Indian housing programs. This definition applies to Restrictions on Assistance to Non-citizens.

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Stalking

The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Stalking may include to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and/or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily harm to: (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person. Immediate family member means, with respect to a person- - a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or any other person living in the household of that person and related to that person by blood and marriage.

Statement of Family Responsibility

An agreement, in the form prescribed by HUD, between the PHA and a family to be assisted under the Program, stating the obligations and responsibilities of the two parties.

Surcharge

The amount charged to residents for the consumption of Utilities in excess of a reasonable allowance therefore, based on Utility use determined by means of a check-meter. The amount charged by the PHA to a resident, in addition to the Tenant Rent, for the consumption of Utilities in excess of the Allowance for PHA-Furnished Utilities, or for estimated consumption attributable to Resident-owned major appliances, or to optional functions, such as air conditioning, of PHA-furnished equipment. Surcharges calculated pursuant to Section 965.477(b), based on estimated consumption where check-meters have not been installed, are referred to as "Scheduled Surcharges."

Tenant (Resident)

Any lessee or the remaining head of the household of any resident family residing in PHA-owned or leased housing accommodations.

Tenant (Resident) Participation

A process of consultation between residents and the PHA concerning matters affecting the management of public housing, as a means of providing residents with information about PHA plans and decisions and affording them opportunities to make comments and recommendations, on an advisory basis, about those plans and decisions.

Tenant Rent

1. The amount payable monthly by the Family as rent to the PHA.
2. Where all utilities (except telephone & cable) and other essential housing services are supplied by the PHA, Tenant Rent equals Total Tenant Payment.
3. Where some or all utilities (except telephone & cable) and other essential housing services are not supplied by the PHA, and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Allowance for Tenant-Purchased Utilities.

Term

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Means the period of occupancy specified in the rental agreement. Effective April 28, 2000, the term of the lease agreement for public housing units is 12 months and automatically renewable except for non-compliance with the community service requirement, where applicable.

Total Tenant Payment

1. Total Tenant Payment for families whose initial lease was effective on or after August 1, 1982.

   Total Tenant Payment is the amount calculated under section 3(a)(1) of the 1937 Act (42 U.S.C. 1437a(a)(1)). Total Tenant Payment shall be the highest of the following, rounded to the nearest dollar:

   a) Thirty percent (30%) of Monthly Adjusted Income;

   b) Ten percent (10%) of Monthly Income; or

   c) If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under paragraph (C) of section 3(a)(1) of the 1937 Act (42 U.S.C. 1437a(a)(1)(C)) shall be the amount resulting from one application of the percentage.

   d) A minimum rent as adopted by the PHA.

2. Total Tenant Payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.

3. Total Tenant Payment for families residing in public housing whose initial lease was effective before August 1, 1982. Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996 (contained in the April 1, 1995 edition of 24 CFR, parts 900 to 1699), will continue to govern the total Tenant Payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

4. Mutual-help home ownership developments.

   Paragraphs 1 of this section shall not apply to Mutual Help Home ownership developments (see 24 CFR, Part 905, section 905.416).

5. Total Tenant Payment does not include any Surcharge or other miscellaneous charges.

Unit Size

Unit size or size of unit refers to the number of bedrooms in a dwelling unit.

Unearned Income

Unearned income means any annual income, as calculated under 24 CFR § 5.609, that is not earned income.

Unreimbursed Medical Expense Costs

This deduction is granted only to elderly or disabled families. A range of medical expenses and services can be claimed to the extent that the total medical expenses exceed three percent (3%) of annual income. Determination of eligibility for reimbursement of expenses will be consistent with the listing in Appendix K.

U.S. Citizenship and Immigration Services (CIS)

Formerly called the Immigration and Naturalization Service (INS).

Utility Allowance

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The cost of utilities (except telephone & cable) and other housing services for an assisted unit that is not included in the Tenant Rent, but is the responsibility of the family occupying the unit, and an amount equal to the estimate made and adopted by the PHA 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.

Utility Reimbursement

Where applicable, the utility reimbursement shall be paid to the family in the manner provided in the pertinent program regulations. A PHA or owner may pay the utility reimbursement directly to the utility company without the consent of the family; however, the PHA must advise the family of the amount paid.

Verification Technique Definitions:

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

   The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.

2. Written Third Party Verification (Level 4)

   An original or authentic document generated by a third party source dated either within the 60-day period preceding the reexamination or PHA request date.

3. Written Third Party Verification Form (Level 3)

   A standardized form to collect information from a third party source (also known as traditional third party verification). The form is completed by the third party by hand (in writing or in typeset). PHAs send the form directly to the third party source by mail, fax, or email.

4. Oral Third Party Verification (Level 2)

   Independent verification of information by contacting the individual income/expense source(s), as identified through the UIV technique or identified by the family, via telephone or in-person visit.

5. Tenant Declaration (Level 1)

   The tenant submits an affidavit or notarized statement of reported income and/or expenses to the PHA.

Very Low-Income Family

1. A low-income 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.
2. 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.

Veteran

1. Means any person honorably discharged from the Armed Forces of the United States, who served in any of the following wars or conflicts, but not limited to these, World War I, between April 6, 1917, and November 11, 1918, both dates inclusive; or in World War II, on or after December 7, 1941, until final cessation of all hostilities; or in the Korean Conflict; Lebanon Crisis; Berlin Crisis; the Congo; the Dominican Republic, and Vietnam.

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2. "Veteran" does not include a person enlisted and accepted for active training only for a period of six (6) months or less.

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 likely to cause, serious bodily injury or property damage.

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.

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NOTICE

The Nelrod Company has made its best efforts to comply with regulations, laws, and Federal/local policies. The Nelrod Company does not offer advice on legal matters or render legal opinions. We recommend that the Housing Authority's general counsel and/or attorney review this policy prior to approval by the Board of Commissioners.

The Nelrod Company is not responsible for any changes made to these policies by any party other than The Nelrod Company.

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