

# ALLENTOWN HOUSING AUTHORITY

LEHIGH COUNTY, PENNSYLVANIA

## ADMISSIONS AND CONTINUED OCCUPANCY POLICY



Revised

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Board Approved

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HUD Submittal

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## **STATEMENT OF POLICIES GOVERNING ADMISSION TO AND CONTINUED OCCUPANCY OF HUD HOUSING OWNED AND OPERATED BY THE ALLENTOWN HOUSING AUTHORITY**

### **1. Program Approach and Objectives**

#### **A. Purpose of the Admissions and Occupancy Policy**

This public housing Admissions and Occupancy Policy (“Policy”) establishes the Allentown Housing Authority’s (“AHA” or “Authority”) discretionary policies and procedures that will be used in the administration of the public housing program in accordance with U.S. Department of Housing and Urban Development (“HUD”) requirements. The approach to program functions contained in this Policy is applicable to admission and continued occupancy in the low-income public housing program.

This Public Housing Admissions and Occupancy Policy is governed by the provisions of 24 CFR 960, 966 and Part5, HUD Memos, PIH Notices, HUD guidelines and other applicable law. If any amendments to HUD’s rules, regulations or guidelines conflict with this Policy, such rules, regulations or guidelines will control.

Additional AHA program requirements are found in the following:

1. AHA Agency Plan;
2. AHA FSS Action Plan – policies and guidelines for the Family Self Sufficiency (FSS) Program;
3. AHA Pet Policy – policies and guidelines regarding pet ownership by families residing in AHA properties,
4. AHA Lease and Grievance Policy – requirements for filing a grievance with the AHA;
5. AHA Reasonable Accommodation Plan – policies and guidelines related to applicants and residents who require a reasonable accommodation.

#### **B. Overall Program Objectives**

The overall objectives for the Allentown Housing Authority public housing program are intended to achieve the following:

1. Provide decent, safe and sanitary housing at affordable cost to very-low-income families;
2. Encourage self-sufficiency of program participants; and
3. Assure compliance with the HUD regulations, Equal Housing Opportunity requirements, and the AHA’s policies.

#### **C. Marketing/Outreach**

The AHA will conduct outreach in an effort to obtain and maintain a well-balanced application pool. Outreach efforts will take into consideration the level of vacancy in the Authority’s units, unit availability through turnover, and waiting list characteristics. The AHA will periodically assess these factors in order to determine the need and scope of the marketing effort.

The AHA will continue to publicize and disseminate information concerning the availability of housing assistance for low-income families. However, when the waiting list indicates a need for additional families the Allentown Housing Authority will make known, through publication in newspapers of general circulation, minority media, and all other suitable means, the availability of housing assistance for very-low-income families, unless application taking has been suspended according to HUD regulations.

Marketing efforts will be designed to attract applicants from appropriate segments of the low, very-low, and extremely-low-income populations. The Authority will use its marketing program to achieve a more representative income mix of low-income families among those on the waiting list and thereby attain a broad range of incomes in its developments as required by federal law.

The AHA has bi-lingual staff assigned to property management offices that can assist Spanish-speaking applicants unable to speak and/or read English.

#### **D. Notification of Changes**

Schedules of special charges for services, repairs, and rules and regulations, which are required to be incorporated in the lease by reference, shall be publicly posted in a conspicuous manner in the community office, and shall be furnished to applicants at lease-up and tenants on request. Such schedules, rules and regulations may be modified from time to time, provided that at least thirty days' written notice is given to each affected tenant setting forth the proposed modification, the reasons therefore, and providing the tenant an opportunity to present written comments which shall be taken into consideration prior to the proposed modifications becoming effective. A copy of such notice shall be:

1. Delivered directly or sent by first class mail to each tenant; or
2. Posted in a conspicuous place within each community in which the affected dwelling units are located, as well as in a conspicuous place at the community office, if any, or if none, a similar central business location within the community.

#### **E. Equal Opportunity Requirements**

It is the policy of the Allentown Housing Authority to comply fully with all applicable federal, state and local nondiscrimination and equal opportunity laws including the Fair Housing Act, Title VI of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974), Executive Order 11063; Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and any legislation protecting the individual rights of tenants, applicants or staff which may subsequently be enacted.

The public housing program requires compliance with all equal opportunity requirements imposed by contract or federal law, including the authorities cited at 24 CFR 5.105(a) and Title II of the Americans with Disabilities Act, 42 U.S.C. 12101, et. seq.

The AHA shall not automatically deny admission to a particular group or category of otherwise eligible applicants.

The AHA's administrative office is accessible to persons with physical disabilities. Hearing impaired individuals may contact the Authority at TTD/TDY telephone number of (610) 439-1586. Persons with access and mobility needs can contact the Director of Capitol Improvements, who serves as the AHA's 504 Coordinator, at (610) 610-969-7558.

**F. Special Needs Procedures:**

The AHA will make every effort to reasonably accommodate persons with documented special needs as mandated by the Americans with Disabilities Act, 42 U.S.C. 12101, et. seq. These efforts will be made for all persons with whom the AHA conducts business including both applicants and tenants in accordance with AHA's Reasonable Accommodation Policy.

Additional actions the AHA may take include:

1. Additional telephone calls to accommodate the special needs.
2. Scheduling additional appointments. Should a second appointment be scheduled with consent of the family and it is not attended by family or adult representative without cancellation, the AHA shall consider such action as a missed appointment, subject to the requirements of applicant or tenant appointments stated in this Policy.
3. Contacting a family member, case worker or other person who assists the family, based on the written consent of the applicant, as provided as part of the application process.
4. Any other necessary means of communication which will reasonably accommodate the individual.

If at any time a family is non-compliant with the AHA's Reasonable Accommodations policy and procedures, the AHA may take action in accordance with the regular operation policies and procedures of the AHA, including those contained within this Policy.

*Documented Special Need* – must be a written, dated and signed statement, from a qualified professional who is familiar with the individual (applicant or resident) and his/her disability, indicating that the individual would benefit from the accommodation.

**G. Deconcentration Statement**

The AHA has, within its policies contained herein, adopted admission criteria designed to provide for deconcentration of poverty and income mixing, by bringing higher income families into lower income public housing communities and bringing lower income families into higher income public housing communities in accordance with AHA's Deconcentration Policy.

**H. Privacy Statement**

It is the policy of the AHA to facilitate the privacy of individuals conferred under the Privacy Act of 1974, and to ensure the protection of such individuals' records maintained under the AHA's public housing program.

Therefore, the AHA shall not disclose any personal information contained in its records to any person or agency unless the individual about whom information is requested gives the AHA written consent to such disclosure.

This privacy policy in no way limits the Authority's ability to collect such information as it may need to determine eligibility, compute rent, or determine an applicant's suitability for tenancy. Nor does it prohibit the AHA from disclosing information to local law enforcement if the resident is suspected of being involved in criminal or illegal activity.



## **2. Placement on the Waiting List**

### **A. Eligibility for Admission**

#### **1. Eligibility Criteria**

To be eligible for admission for participation, an applicant must meet the criteria for eligibility determination as established by HUD, as well as any additional criteria established by the Allentown Housing Authority.

HUD has established the following basic factors for eligibility:

- a. Family Composition;
- b. Income Limits;
- c. Citizenship and eligible non-citizen status;
- d. Valid Social Security number;
- e. Admission criteria relevant to prior history in any HUD-assisted programs; and
- f. Criminal History.

#### **2. Factors for Determining Eligibility**

The family's eligibility for placement on the waiting list will be based on the following factors and will not be verified until selection from the applicant pool for housing assistance is made. A family is defined as a group of persons:

- a. Regularly living together, related by blood, marriage, adoption, guardianship, evidencing a stable relationship, operation of law; or an elderly family, single person, single pregnant woman with no other children, or a displaced person. Other individuals, including foster children, live-in aides, and members temporarily absent, may be considered to be a part of the family group if they are living or will live regularly with the family;
- b. Whose annual income, at the time of admission, does not exceed the income limits for occupancy as established by HUD and posted separately in the AHA's offices;
- c. Who are not currently adequately housed in an Authority dwelling unit (listed on a current dwelling lease in a unit meeting occupancy standards for the specific family size); and
- d. Who meet or exceed the screening and Resident Selection Criteria.

Applicants must be 18 years or older, or an emancipated minor, to apply for assistance. If determined eligible, all emancipated minors must have an adult co-sign the lease to be approved for residency. It is not required that the co-signing adult be a parent of the emancipated minor.

### 3. Income Limits

Applicants must qualify for admission to the public housing program based upon total annual income for all members of the household family. Eligibility is determined using the following income categories:

a. *Extremely-low-income families (Income Targeting requirement)*

Families whose income, at the time of admission, does not exceed 30% of the area median income. Forty percent (40%) of all new admissions to the public housing program will be in this category.

b. *Very-low-income families*

Families whose incomes, at the time of admission, do not exceed the very-low income limits established by HUD, but are greater than the extremely-low-income limit.

c. *Low-income families*

Families whose incomes, at the time of admission, do not exceed the low-income limit established by HUD and for reasons identified in 24 CFR 5.607.

## B. Processing Pre-Applications for Admission

### 1. Pre-Application

All families who are interested in applying for housing at any of the AHA's programs must complete a pre-application when the waiting list is open. AHA will make reasonable accommodations to assist those applicants who have a physical impairment to complete a pre-application.

Any family who has failed to pay an outstanding balance consisting of uncollected rent and/or miscellaneous charges owed to the AHA or any other federally funded housing program will be permitted to complete a pre-application and be placed on the waiting list. The applicant must pay the outstanding balance and submit verification of such payment within 30 days of receiving notification from AHA that the family has been selected from the waiting list. AHA will suspend the eligibility determination and verification process until the applicant pays the debt owed and supplies the required verification. If after 30 days the debt has not been paid, AHA will determine the applicant ineligible and remove them from the waiting list.

## **2. Requirements to Apply**

To participate in the public housing program, families must apply to the AHA using the forms prescribed by the AHA and HUD. Any prospective applicant can obtain a pre-application packet from the AHA public housing office during normal working hours.

Applicants will be required to provide the following information on the pre-application:

- a. Name of all family members
- b. Address and phone number
- c. Emergency contact and phone number
- d. Social security number for head of household
- e. Date of birth for all family members
- f. Gender for all family members
- g. Elderly/disabled status (in accordance with the definition of “disabled” at 24 CFR 5.403)
- h. Sources of income (e.g. wages, social security, public assistance)
- i. Local preference
- j. Site selection form

## **3. Notification of Placement on the Waiting List**

Upon the AHA’s receipt of the pre-application and the information contained therein, the AHA will determine if all the required information has been provided. The applicant will not be put on the waiting list unless the pre-application is complete and is signed. Once this is confirmed, the AHA will send the applicant a letter which will indicate that, based upon the information provided on the pre-application, he/she will be placed on the waiting list.

If there is no one on the waiting list at the time of pre-application, the applicant will be sent a full application to complete in order for the AHA to determine his/her eligibility for admission.

Applicants who are added to the waiting list must inform the AHA of any changes to information listed on the pre-application (e.g., address, family composition, preferences, etc). Failure to notify the AHA of such changes may result in the applicant being removed from the waiting list.

## **C. Waiting List Management**

### **1. Waiting List Maintenance**

The AHA maintains site-based waiting lists for its public housing program. (A separate waiting list is used for the Housing Choice Voucher Program (HCVP).) Each pre-application is positioned on the waiting lists based upon information submitted by the applicant, preference, date and time of application and unit size, as defined in this Policy. Applicants can select up to two (2) site-based waiting lists, with the exception of eligible elderly families, who can select up to three (3) site-based waiting lists.

Applicants must inform the AHA of any changes of information listed on the pre-application (e.g., address, income, family composition, or preferences). If it is determined following selection from the waiting list that the applicant failed to notify the AHA of such changes, the Authority may determine the applicant is ineligible and deny assistance.

At minimum, the waiting list will contain the following applicant information:

- a. Applicant name;
- b. Social Security number;
- c. Family unit size (based upon occupancy standards);
- d. Preference;
- e. Date and time of application; and
- f. Site selection.

### **2. Cross Listing**

If the AHA's waiting list for the HCVP is open when an applicant is placed on the waiting list for its public housing program, the applicant can request to be placed on the waiting list for HCVP.

### **3. Opening and Closing Waiting List**

In order to maintain a balanced application pool, the Authority, at its discretion, may open and close the waiting list in whole or in part for certain bedroom sizes or locations. The Authority will also purge the waiting list by removing names of those who are no longer interested in or no longer qualify for housing. If the Authority has too many applications, it may elect to: (a) close the waiting list completely; (b) close the list during certain times of the year; or (c) restrict intake by type of project or by size and type of dwelling unit.

Decisions about the waiting list will be based on the number of applications available for a particular size and type of unit; and the ability of the Authority to house an applicant in an appropriate unit within a reasonable period of time. Closing the waiting list, restricting intake, or opening the waiting list will be publicly announced.

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

#### **4. Removal of Applicants from the Waiting List**

The AHA will not remove an applicant's name from the waiting list unless:

- a. The applicant requests in writing that his/her name be removed;
- b. The applicant fails to notify the AHA of any change in family status or change in mailing address as those changes occur;
- c. The AHA has made reasonable efforts to contact the applicant to determine continued interest but has been unsuccessful. Correspondence mailed to the latest address will constitute documentation of reasonable effort to contact the applicant;
- d. The AHA notified the applicant of its intention to remove the applicant's name because the applicant no longer qualifies for public housing;
- e. The Authority has made reasonable efforts to contact the applicant to (i) schedule interviews necessary to complete the application process; or (ii) obtain information necessary to process the application, and the applicant has failed to respond;
- f. The applicant fails to reschedule or misses two (2) scheduled meetings. It is the responsibility of the applicant to attend the scheduled interview. If the applicant cannot attend on the scheduled date, the AHA will send a letter notifying the applicant of the missed appointment and providing fourteen (14) calendar days to reschedule the interview in accordance with the AHA's notice requirements. If the applicant is non-compliant, the AHA has the right to reject the application and remove the family from the waiting list. Such notification will be in writing, and will include a statement of the applicant's right to an Informal Review; or
- g. The applicant fails to pay an outstanding balance owed to the AHA or any other subsidized program within the time specified.

If an applicant's failure to respond to a request for information or update was caused by his/her disability, the AHA will provide reasonable accommodation to give him/her an opportunity to respond.

**5. Change in Preference Status While On the Waiting List**

Occasionally, families on the waiting list who do not qualify for a preference at the time of application intake will experience a change in circumstances which qualifies or disqualifies them for a preference. In such instances, it will be the family's responsibility to contact the AHA to certify they are eligible for a Preference. If eligible, the applicant will be moved to the Preference Waiting List by date and time of the original application. The family will then be informed in writing, as to how the change in status has affected their place on the waiting list. The family must recertify their claim for a preference at the time they are offered a Public Housing unit or report if they no longer qualify for a preference. If it is determined following selection from the waiting list that the family no longer qualifies for a preference, the AHA will suspend the application review process and place the family back on the waiting list. After removing preference points.

**D. Organization of the Waiting List**

Each applicant shall be assigned his/her appropriate place on a waiting list in sequence based on the date and time the pre-application was received, suitable type or size of unit, and factors affecting preference or priority established by the AHA's regulations which are consistent with the objectives of Title 6 of the Civil Rights Act of 1964 and the HUD regulations and requirements pursuant thereto.

### **3. Selection from the Waiting List**

#### **A. Selection and Targeting**

The AHA will notify the next available applicant on the waiting list when the AHA estimates that an applicant can be housed within 90 days. The applicant will be sent a letter indicating they have been selected from the waiting list and are required to complete a full application to document their eligibility for admission. The AHA will verify all information provided on the application, as described in Section 4. Verification Process. A family will not be selected for admission until verification of all required information including Local Preferences and Citizenship has been provided.

To assure compliance with §513 of the Quality Housing and Work Responsibilities Act of 1998, families will be selected from the waiting list based upon Income Targeting requirements as defined in the Policy and in accordance with the following:

1. Selection will be made based upon the AHA's obligation that forty percent (40%) of all new admissions to the public housing program not have incomes that exceed 30% of the area median income.
2. The AHA will monitor admissions every six (6) months to determine compliance with the 40% Income Targeting requirement.
3. The AHA will admit families to the public housing program to comply with the Income Targeting requirement, and may adjust the waiting list selection to do so.

The AHA reserves the right to select the next eligible family from the waiting list that meets the eligibility criteria for public housing unit with mixed financing through Low Income Housing Tax Credits, according to whether the family falls within the correct income tier for the unit and within the public housing and tax credit regulations.

#### **B. Deconcentration Policy**

It is the AHA's policy to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income developments and lower income families into higher income developments. Toward this end, we will skip families on the waiting list to reach other families with a lower or higher income. This will be accomplished in a uniform and non-discriminating manner.

The AHA will affirmatively market its housing to all eligible income groups. Lower income families will not be steered toward lower income developments and higher income families will not be steered toward higher income developments.

Prior to the beginning of each fiscal year, we will analyze the income levels of families residing in each of our developments, the income levels of census tracts in which our developments are located, and the income levels of families on the waiting list. Based on this analysis, we will determine the level of marketing strategies and deconcentration incentives to implement.

**C. Deconcentration Incentives**

The AHA may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular development.

Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and non-discriminatory manner.

**D. Local Preference**

Eligible applicants who qualify for a local preference are entitled to be placed on the waiting list and receive a preference in selection of housing. Families who qualify as local preference holders, as defined in this section, will be admitted prior to families who do not have a local preference within either the Federal Income Targeting Eligible or Federal Income Targeting Ineligible categories of the waiting list.

Each of the Local Preferences has an individual point value. That value will be used in calculating the total points of the family's application for positioning on the waiting list as a Local Preference holder. The total points are determined by adding each corresponding individual point value of each Local Preference for which they qualify.

The AHA will place families on the waiting list as either Federal Income Targeting Eligible or Federal Income Targeting Ineligible, by time and date of application, and by any Local Preference as described below:

**Victims of Domestic Abuse Preference:** (2 points)

*Any applicant who is a victim of domestic abuse.* Such applicant family will receive a preference for public housing upon providing the following information:

1. A copy of a police report indicating an act of domestic violence has occurred against the applicant in the six months prior to applying for housing, or
2. A copy of a hospital report indicating an act of domestic violence has occurred against the applicant in the six months prior to applying for housing.

In all instances the applicant must be an active client of the Domestic Abuse Shelter of Allentown, PA and must provide verification of such.



**Residency Preference:** (1 point)

*Any applicant family who qualifies as a resident of the City of Allentown. A resident is defined as a family or single person who lives in or previously resided in the City of Allentown, or whose head of household or spouse works in, or has been given a bona fide offer of employment in Allentown. Third-party written verification of this preference will be utilized. At the option of the AHA, leases, utility bills, employer records, school records, driver's licenses, voter registration records, property tax records or credit reports also may be used to verify residency.*

There is no minimum amount of time that the family must have resided in the City of Allentown to qualify for a residency preference. The use of the residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based upon the race, color, ethnic origin, gender, religion, disability or age of any member of the applicant's family.

**Displaced Person (s): (3) points**

Displaced person (s). A family or sole member who has been displaced by government action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

**E. Preference Denial**

A preference does not guarantee admission. The applicant must meet all AHA tenant screening criteria before being selected as a tenant.

If the applicant's preference cannot be verified, the applicant will be notified of the preference denial and given the opportunity for an Informal Review.

The AHA will not give a preference to an applicant if any member of the family is a person who was evicted during the past three (3) years, because of drug-related activity, violent criminal activity or alcohol abuse from housing assisted under a 1937 Housing Act program.

NOTE: In no event may any single person be provided a housing unit assisted under this Act of two bedrooms or more unless required as a reasonable accommodation.

**F. Special Admissions (Non-Waiting List Selection)**

A special admission is the admission of an applicant who is not on the AHA's waiting list or is admitted without considering the applicant's waiting list position. The AHA will admit families as special admissions for the following:

1. Any move-in mandated by court orders related to desegregation or Fair Housing and Equal Opportunity will take precedence over all other applicants.
2. The AHA will admit a family who is part of a HUD Office of Inspector General (OIG) witness protection program, provided that the OIG furnishes a written

threat assessment that recommends re-housing the family to avoid or minimize a risk of violence against family members as a reprisal for providing such information.

**G. Bedroom Occupancy Standards**

1. The following standards will govern the number of bedrooms required to accommodate a family of a given size and composition. Reasonable exceptions to these standards may be made at the discretion of the Executive Director or his/her designee.

<b>BEDROOM SIZE</b>	<b>MINIMUM NO. PERSONS</b>	<b>MAXIMUM NO. PERSONS</b>
<b>0 BR</b>	<b>1</b>	<b>1</b>
<b>1BR</b>	<b>1</b>	<b>2</b>
<b>2 BR</b>	<b>2</b>	<b>4</b>
<b>3 BR</b>	<b>3</b>	<b>6</b>
<b>4 BR</b>	<b>5</b>	<b>8</b>
<b>5 BR</b>	<b>7</b>	<b>10</b>

2. An unborn child will not be counted as a person except for determining unit size.
3. Dwelling units will be so assigned that to the greatest extent feasible:
  - a. It shall not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom.
  - b. For verified reasons of health (age, physical disability, etc.), a separate bedroom may be provided for an individual family member upon admission or transferred to an appropriate-sized unit upon approval of the Executive Director or his/her designee.
  - c. The living room will not be regularly used as a bedroom, except in the case of an efficiency unit.
  - d. A single head of household parent shall not be required to share a bedroom with his/her children.
  - e. Reassignment of transfers to other dwelling units shall be made in compliance with the AHA’s non-discrimination policy.
  - f. A transfer will not be recommended for a single head of household parent, originally housed in a one bedroom unit, with a child age five (5) or less who can sleep in the parent’s bedroom. (Exception: The husband returns to the unit or the head of household becomes married).
4. In determining the bedroom size, the following also will apply:
  - a. Consideration will be given for a child who is away at school but returns to the unit during recesses;
  - b. Consideration will be given due to age of same sex children;
  - c. A child who is temporarily placed in foster care will be considered a member of the family household;

- d. Any live-in aide approved by the AHA to reside in the unit to care for a family member who is disabled or at least 50 years of age will be permitted a separate sleeping room;
- e. To avoid vacancies, a unit that is larger than that suggested by the above guidelines may be provided to a family provided that the family will move to a smaller unit when another family needs the unit and a suitable smaller unit is available; and
- f. Larger units may be offered in order to improve marketing of a development suffering a high vacancy rate

## **4. Verification Process**

### **A. Items Requiring Verification**

Upon receipt of a full application submitted by an applicant selected from the waiting list, the AHA will review and verify the information provided to determine if the applicant is eligible for admission based upon verification of the following:

- Citizenship and /or eligible non-citizenship status
- Social Security numbers for all household members prior to occupancy
- All income
- Current assets
- Family composition
- Full-time student (“FTS”) status
- Local preferences
- Total medical expenses
- Child care expenses
- Disability assistance expenses
- Request by family for variation of unit size
- Verification of special needs

### **B. Citizenship Verification Policy**

The AHA requires the citizenship or eligible non-citizen status of each family member regardless of age to be determined. Prior to being admitted, or at the first re-examination, all citizens and nationals will be required to sign a declaration of citizenship status under penalty of perjury. They will be required to show proof of their status by providing one of the following: birth certificate, passport, baptismal certificates, military ID or military DD 214 Form. The AHA will use a photo identification card (such as a driver’s license, state ID, student ID, etc.) to verify that the individual listed on the birth certificate is, indeed, the applicant. Copies of all documents must be retained in the resident file.

The AHA shall notify applicants and residents that they will be required to submit evidence of citizenship or eligible immigration status. This requirement applies to all families regardless of any documentation of the person’s identity, which may have been previously obtained. An extension of time, not to exceed thirty (30) days, may be granted to allow the applicant an opportunity to obtain the evidence required. The determination of the length of the extension needed shall be based on the circumstances of each individual case. The decision to grant or deny an extension shall be a written notice to the applicant, which specifies the extension period. If the extension is denied, the notice shall explain the reasons for the denial.

AHA will verify the status of family members who declare as eligible noncitizens through the Systematic Alien Verification for Entitlement “SAVE” procedure, with the exception of eligible

noncitizens that are 62 years or older. If “SAVE” does not verify eligible status, AHA will require the family member to provide one of the following secondary forms of verification:

1. Alien Registration Receipt Card
2. Arrival-Departure Record, with one of the following annotations:
  - a. Admitted as Refugee Pursuant to Section 207;
  - b. Section 208;
  - c. Asylum;
  - d. Section 243(h);
  - e. Deportation stayed by Attorney General; or
  - f. Paroled Pursuant to Section 212(d) (5) of the INA.
3. Unannotated Arrival-Departure Record, with one of the following:
  - a. Final court action granting asylum, if no appeal is taken;
  - b. Letter from INS asylum officer or district director granting asylum;
  - c. Court decision granting withholding of deportation; or
  - d. Letter from asylum officer granting withholding of deportation.
  - e. Temporary Resident card, annotated: Section 245A” or “Section 210”
4. Employment Authorization Card, annotated “Provision of Law 274a.12(11)” or “Provision of Law 274a.12”]
5. Receipt issued by DHS indicating that the application for issuance of a replacement document in one of the above-listed categories has been made and the applicant’s entitlement to the document has been verified.

If it is determined that a family has an ineligible family member, assistance will be offered on a pro-rated basis in accordance with HUD Handbook 7465.7. Failure to accept pro-rated assistance will result in denial of assistance and the family will be removed from the waiting list. The verification of citizenship will occur only once for each member of the household.

If the Declaration of Citizenship/eligible non-citizen status indicates that verification must be done, the AHA will request information from the Department of Homeland Security (DHS). This information will be requested first through the “SAVE” procedure, then secondary verification if “SAVE” does not verify eligible status. This verification is only to be done prior to admission unless a new member joins the family.

### **C. Social Security Verification Policy**

1. In accordance with 5 CFR 5.216, applicants and participants (including each member of the household) are required to disclose his/her assigned Social Security number (SSN), with the exception of those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.
  - a. A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is not eligible for housing assistance and cannot be housed.
  - b. A family that consists of two or more household members and at least one household member that has eligible immigration status, is classified as a mixed family, and is eligible for prorated assistance in accordance with 24 CFR 5.520. The AHA may not deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.

The AHA will require each applicant to submit documentation verifying the disclosed social security number for each member of the household who claims U.S. citizenship or eligible immigration status (including live-in aides, foster children, and foster adults). Acceptable documentation may include one of the following:

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

The AHA may reject documentation provided by the applicant if it appears that the documents are not originals or have been altered, forged or tampered with in some manner. In this event, applicants will be required to provide valid documentation within 30 days. Failure to comply will result in the applicant being denied from placement on the waiting list.

Once received, the AHA will verify the disclosed social security number for the applicant and each household member by submitting the information to HUD for computer matching with the SSA.

### **D. Income Verification Policy**

In accordance with HUD verification mandate, effective January 31, 2010, the AHA will use HUD's Enterprise Income Verification (EIV) System to verify tenant employment and income during annual reexaminations of family composition and income. The AHA will use EIV to obtain an Income Report for each household and maintain a copy in the tenant file along with the form

HUD-50058 and other supporting documentation to support income and rent determinations during the annual reexamination process.

The AHA will follow HUD's prescribed verification hierarchy for applicants and tenants, beginning with the use of the EIV Income Report for tenants and with written third-party verification for applicants. If the Income Report does not contain any employment and income information for the family, the AHA will attempt to obtain the next lower priority level form of verification, as follows:

- a. Priority 1 – Upfront Income Verification (UIV) using EIV (income for tenants; multiple subsidy for applicants)
- b. Priority 2 – Upfront Income Verification (UIV) using a non-HUD system
- c. Priority 3 – Written third party verification. Use of third party verification is mandatory to a) supplement EIV-reported income sources and when EIV has no data; b) non-EIV reported income sources; c) when tenant disputes EIV-reported employment and income information and is unable to provide documentation to support the dispute
- d. Priority 4 – Written Third Party Verification Form. Use if written third party verification documents are not available or if the applicant or tenant supplied documentation is determined to be unacceptable, illegible or noncompliant for any reason.
- e. Priority 5 – Oral third party verification. Use only if written third party verification is not available
- f. Priority 6 – Tenant declaration. Use only as a last resort when all other methods of verification are unavailable.

As part of the new admissions process, the AHA will rely solely on third party verification from the income source to determine the applicant's income for eligibility and rent calculation purposes due to the fact EIV only contains employment and income data for current participating tenants. Only one report is available for applicants, the Existing Tenant report. The AHA will review EIV information about the current status of the applicant and the entire household to determine if the applicant or anyone in the household is receiving HUD housing assistance. If so, the AHA will verify with the current HUD housing assistance development and ensure that proper notice has been given and that no multiple subsidy will occur. If the applicant or any member of the household fails to fully and accurately disclose receipt of HUD assistance or rental history on the application, the applicant will be denied based on "misrepresentation" of information. If the AHA discovers a discrepancy, the applicant will be notified and given the opportunity to respond to the inquiry. A copy of the report will be maintained in the applicant/resident file.

## 1. **Upfront Income Verification – EIV (Priority 1).**

The AHA will use EIV as the first level of verification of tenant employment, wage, unemployment compensation and social security benefits, and any other information that is verifiable using EIV as follows:

- a. Reviewing the EIV Income Report to confirm/validate tenant-reported income;
- b. Printing and maintaining an EIV Income Report (or an EIV Individual Control Number (ICN) page for interim reexaminations as prescribed by HUD) in the tenant file;
- c. Obtaining current acceptable tenant-provided documentation to supplement EIV information; and
- d. Using current tenant-provided documentation and/or third party verification to calculate annual income

The AHA will obtain at a minimum, two current and consecutive pay stubs for comparison with the information in EIV and for determining annual income from wages. For new income sources or when two pay stubs are not available, the AHA will project income based on the information from a traditional written third party verification form or the best available information.

In accordance with 24 CFR §5.236(b)(2)(3), the AHA will compare the information on the EIV report with the family-reported income and pay stub documentation. When the information in EIV is the same or within \$200/month or \$2,400/annually of the tenant reported information, the AHA will use the EIV Income Report for third party verification and tenant provided documents for income calculation purposes.

If the tenant disputes the EIV data or the EIV report reveals an income source that was not reported by the tenant and/or a substantial difference in the reported income information (e.g. greater than \$2,400 annually), the AHA will do the following:

- a. Discuss the income discrepancy and/or dispute with the tenant;
- b. Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources;
- c. In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, the AHA will request from the third party source, any information necessary to resolve the income discrepancy;
- d. If applicable, determine the tenant's underpayment of rent as a result of unreported or underreported income, retroactively; and
- e. Take any other appropriate action as directed by HUD or the policies set forth in this Policy.



## 2. **Upfront Income Verification – EIV (Priority 2).**

Where allowed by HUD and in accordance with the policies and regulations of state or local government agencies, computer printouts, computer matching, and/or other automated verification methods will be used by the AHA when income and employment information is not available in EIV. All forms of computer verification must be generated by and received directly from the verification source of any of the following:

- a. Social Security (SS) and Supplemental Security Income (SSI) information accessed via HUD's Tenant Assessment Subsystem (TASS), a secure internet facility;
- b. State wage information collection agencies (SWICAs);
- c. State systems for the Temporary Assistance for Needy Families (TANF) program;
- d. Credit Bureau Association (CBA) credit report;
- e. Internal Revenue Service (IRS) Letter 1722; or
- f. Private sector databases (e.g., The Work Number).

Social Security benefit information in EIV is updated every three months, the AHA If the tenant agrees with the EIV-reported benefit information, the AHA will not seek to obtain a benefit verification letter from the tenant, in accordance will HUD guidelines.

## 3. **Third-Party Written Verification (Priority 3).**

The AHA requires that all applicants and residents sign HUD and AHA-required Release and Consent forms for the purpose of obtaining third party written verifications pertaining to eligibility and rent determinations. Third-party written verification will be requested by the AHA to the extent that such verification is possible. The AHA will request that the third-party verification be transmitted directly to the AHA by the third party. In the event that either two attempts have been made to obtain written third-party verification without success, or third-party verification is not possible, the AHA will attempt to obtain the next level of verification.

Secondary methods of verification include, but are not limited to, the methods listed below.

- a. AHA examination of original documents from a third party source, such as pay stubs, government award letters, medical bills, income tax documents, checks, or other documents that would provide information as to applicable current or ongoing amounts received or disbursed by the family. The AHA staff member will review and determine the validity and/or accuracy of the document. The AHA will make a photocopy and document the applicable information on a form prescribed by the AHA after viewing the original. Government checks will not be photocopied, but will be documented by AHA staff.
- b. Facsimile-transmitted documentation directly issued to the AHA which has been signed or certified by an appropriate individual authorized to complete such verification.

- c. E-mail documentation directly transmitted to the AHA that contains an identifiable e-mail address from which it originated and indicates the appropriate individual and entity requested to verify the information; or an attached file that contains the requested information that clearly indicates authenticity.

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

In all cases the AHA reserves the right, in its sole discretion, to determine whether a particular secondary method of verification is acceptable. The AHA may reject written third-party verifications provided by the applicant or tenant for only the following HUD-approved reasons:

- The document is not an original; or
- The original document has been altered, mutilated, or is not legible; or
- The document appears to be a forged document (i.e. does not appear to be authentic).

In cases where appropriate third-party verifications cannot be used, the AHA will document the file as to why another method was used. The AHA will attempt to obtain all verifications for the purpose of determining anticipated income and expenses for the subsequent 12 month period. Verified information which is less than 60 days old need not be re-verified. Verifications may be extended for an additional 30 days with a telephone update. A record of the update will be placed in the applicant's file. Any verification over 90 days old must be re-verified.

#### **4. Written Third Party Verification Form (Priority 4)**

The AHA will obtain use a standardized form to request income verification information from the appropriate third party source. The AHA staff member will send the form directly to the third party to be completed and returned. This method should only be used as a substitute when the tenant is unable to supply acceptable documentation and documents from a third party source's computerized system and/or database are unavailable.

#### **5. Oral Third-Party Verification (Priority 5).**

The AHA will obtain oral third party verification through contacts made by telephone or in person, to an appropriate third-party. The AHA staff member will document the facts obtained, the time and date of the contact, the specific party who provided the information and other data on a form prescribed by the AHA.

**6. Tenant Declaration (Priority 6)**

This form of verification will be used when all other methods are not possible. The statement of self-certification by the applicant or tenant indicating the item(s) to be verified must be notarized. The AHA will document in the applicant or tenant file why third party verification was not available.

**E. Income, Assets, & Income Exclusions**

**1. Income**

For the purpose of determining tenant rent in the public housing program, income is considered to be the annual income of all family members, monetary or not, which go to, or are on behalf of, the family, head or spouse, or any other family member; or are anticipated to be received from a source outside their family during the 12-month period following admission or annual reexamination effective date; and as defined in 24 CFR 5.609.

**2. Assets**

Other than income, assets are also used to determine an applicant's rent. Assets included the following but are not limited to:

- Savings accounts;
- Checking accounts;
- Contents of safety deposit boxes;
- Equity in real property;
- Stocks, bonds and treasury notes; and/or
- Whole life insurance policies.

**3. Income Deductions/Exclusions**

Certain income will be excluded/deducted when determining annual income of the family. The AHA will exclude/deduct from its annual income determinations those amounts identified in 24 CFR 5.609(c) and those amounts established by HUD in the following categories:

**Deductions:**

- Exemption for elderly or disabled families;
- Medical expenses for elderly or disabled families;
- Auxiliary apparatus and attendant care expense for a disabled member of the family;
- Child care expenses; and
- Exemption for minors, students or persons with disabilities.

**Exclusions:**

- Earned income of minors;
- Income of an eligible live-in aide; and
- Other amounts as defined in 24 CFR 5.609(c).

**F. Total Tenant Payment and Minimum Rent**

**1. Total Tenant Payment (TTP)**

The AHA will calculate the TTP of all participants in the public housing program in accordance with 24 CFR 5.613.

## 2. Minimum Rent

The AHA requires that each family who participates in the public housing program pay a minimum rent of fifty dollars (\$50.00). In cases of family hardship, the AHA will grant an exemption from the minimum rental amount for any of the following:

- a. The family has lost eligibility (exclusive of fraud), or is awaiting an eligibility determination, for a federal, state or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled for public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;
- b. The family would be evicted as a result of the imposition of the minimum rent requirement;
- c. The income of the family has decreased because of changed circumstance, including loss of employment;
- d. A death in the immediate family has occurred; or
- e. Other valid reasons approved by the AHA on a case-by-case basis.

Families will be eligible for the hardship exemption only if the hardship is reported in writing to the AHA. The AHA will exempt the family beginning the month following the month in which the exemption was requested. Verification will be conducted and the AHA will determine eligibility based upon the above-listed factors and HUD regulations.

## 3. Zero Income

If a family reports that it has no income being received by family members, the AHA will complete a Zero Income checklist based on information provided by the family. The AHA will use the checklist as verification of the family's status as a zero income household.

## 4. Resident-Paid Utilities

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

- a. In developments with resident-paid utilities, the AHA will include a utility allowance in the calculation of the family's share of the rent. The utility allowance is used as a reduction in the tenant's portion of rent to be paid to the AHA.
- b. The AHA will pay directly to the utility company any amount by which the utility allowance for the unit exceeds the Total Tenant Payment for the family who occupies the unit. A Utility Assistance Payments ("UAP") check will be issued at

the beginning of the month. In no case will a utility reimbursement be paid to the resident.

- c. 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 AHA will be notified if the resident fails to pay the utility bill.
- d. If a resident or applicant is unable to get utilities connected in his/her name because of a previous balance owed the utility company at a prior address, the resident/applicant will not be permitted to move into a unit with resident-paid utilities.
- e. Paying the utility bill is the resident's obligation under the AHA's lease. Failure to pay utilities is grounds for eviction.

**5. Excess Utility Charges**

Residents in units with master meters shall be charged for excess utilities if resident-supplied appliances or equipment are used in the unit beyond those expected for all residents. A standard schedule of excess utility charges is maintained in the AHA property office and updated annually.

**6. Administrative Fee**

The tenant shall pay an administrative fee of \$25.00 if the rent is not paid on or before the 9<sup>th</sup> day of the month provided that, if the 9<sup>th</sup> day falls on Saturday, Sunday or legal holiday, the tenant may pay the rent without penalty on the next business day thereafter. The AHA shall post the administrative fee on the 10<sup>th</sup> of the month and notify the tenant of any such charges which are due.

**G. Screening and Tenant Selection Criteria/Suitability for Admission**

**1. The Screening Process**

Information to be considered in completing tenant screening at the time of application and for approval of new adult family members to be added to the unit shall be reasonably related to assessing the conduct of the applicant, other family members or live-in aide(s) listed on the application, in present or prior housing. The history of applicant conduct must demonstrate that the applicant family is not likely to;

- a. Interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare; or
- b. Adversely affect the physical environment or the financial stability of the project.

## 2. Other Criteria

All applicants and residents of the public housing program must meet other specific eligibility criteria. The AHA will deny program assistance to an applicant (or will terminate participation for a resident) if:

- a. Any member of the family has been evicted from any public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity as defined in 24 CFR 960.205 and 24 CFR 966.4, or any member of the family has been evicted from public housing for any other reason in the past three (3) years. The three-year period shall begin on the date of such eviction. The AHA will obtain verification from the public housing authority (“PHA”) or the owner of federally assisted housing if applicable;
- b. Any member of the family has ever been convicted as a sex offender and who is subject to the lifetime registration with federal, state or local law enforcement agencies. These individuals will be permanently denied admission to the AHA Public Housing Program;
- c. Any PHA has terminated program assistance for violating family obligations or program regulations under the lease of an assisted housing program for any family member in the past three (3) years. The AHA will obtain verification from the PHA if applicable;
- d. Any member of the family has committed drug-related criminal activity or violent criminal activity within the past three (3) years as defined in 24 CFR 960.205 and 24 CFR 966.4. The AHA obtains Criminal Background Checks on each applicant family. Police reports may also be used for verification;
- e. Any member of the family has demonstrated a pattern of the abuse of alcohol or a pattern of illegal use of a controlled substance that may interfere with the health, safety or right to peaceful enjoyment of persons residing in the immediate vicinity of the residence. If the AHA has reason to believe that a detrimental pattern exists, additional inquiry may be initiated through such resources as police and medical records (if available) to determine if there is a threat to the health, safety, or right to peaceful enjoyment of neighbors;
- f. Any family member has ever been convicted of manufacturing or producing methamphetamine (“speed”) on the premises of a federally assisted housing development or unit in violation of any federal or state law. These individuals will be permanently denied admission to the AHA Public Housing Program;
- g. Any member of the family has committed any fraud, bribery or other corrupt or criminal act in connection with any federal housing program;
- h. The family, including a former AHA tenant, currently owes rent or other amounts to the AHA or to another PHA in connection with Section 8 or public housing under the 1937 Housing Act. In this case an application will be taken, and the applicant will be placed on the waiting list. The applicant must submit

- verification that the debt has been paid within thirty (30) days of receiving notification of selection from the waiting list or the application will be rejected;
- i. The family has not reimbursed a PHA for amounts paid to an owner under the HAP contract for rent, damages to the unit, or other amounts owed the family under the lease;
  - j. The family has breached an agreement with the AHA to pay amounts owed to the AHA, or amounts paid to an owner by the AHA;
  - k. Any member of the family fails to sign and submit the required consent forms for obtaining information, including form HUD 9886;
  - l. Any member of the family has ever engaged in or threatened abusive or violent behavior toward AHA personnel;
  - m. The applicant does not pass the AHA's standard Home Visit inspection at his/her current residence.

### **3. Evidence of Criminal Activity**

The AHA will deny assistance to a family based upon drug-related criminal activity, violent criminal activity, or alcohol abuse if the preponderance of evidence indicates that a family member has engaged in such activity, regardless whether the family member has been arrested or convicted.

The AHA will use the preponderance of evidence definition in Black's Law Dictionary, which is:

*"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."*



#### 4. Eligibility Exceptions

- a. In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects. For example:
  1. Evidence of successful rehabilitation; or participation in a supervised drug or alcohol rehabilitation program.
  2. Evidence of the applicant's participation in or willingness to participate in social service or other appropriate counseling service.
  3. Evidence of successful and sustained modification of previous disqualifying behavior.
- b. The AHA will not deny the admission to the public housing program for a family member's drug-related criminal activity, violent criminal activity or alcohol abuse if the family member involved in such activity or abuse is no longer a member of the household.

#### 5. Eligible and Ineligible Applicants

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

- a. Eligibility of the applicant as a family;
- b. Eligibility of the applicant with respect to income limits for admission as established by HUD;
- c. Unit size required for the family;
- d. Proof of citizenship and/or eligible non-citizen status; and
- e. Suitability of the applicant with respect to the Tenant Selection Screening Criteria.

Applicants who are determined to be ineligible or unsuitable for admission will be notified promptly by mail. These applicants will receive a Ineligibility Notice from the AHA stating the basis for such determination. The AHA shall provide such applicants with an opportunity for an informal review of the determination. The applicant must contact the AHA in writing within fourteen (14) working days of receipt of the Ineligibility Notice. Upon timely receipt of the applicant's request for review, the AHA will schedule and conduct an informal review within thirty (30) days.

During the informal review, the applicant family will be afforded the opportunity to present documented evidence with respect to:

- Eligibility issues; and
- Information pertaining to rehabilitation in the area of Tenant Selection or Screening (suitability).

In the event the family is ineligible due to non-citizen status, the AHA will notify them, in writing, of ineligibility. The letter will advise the family of their right to a DHA appeal and/or PHA Informal Review.

The Informal Review for rejected applicants is not a Grievance Hearing. The purpose of the review is to permit the applicant to hear the details of the reasons for rejection, present evidence to the contrary if available, and claim mitigating circumstances, if possible. The person who made the original decision to reject, or a subordinate of that person, may not conduct the review. A written record of the review decision should be mailed to the applicant and placed in the applicant's file. If the review decision overturns the rejection, processing for admission should resume (24 CFR § 960.208).

If the AHA's original decision is upheld, the applicant may exercise their right to pursue his/her case in Common Pleas Court.

Applicants determined ineligible for violent criminal activity or drug-related activity as a result of the informal review will be considered ineligible for a period of one year. After the one year period has expired, applicants may reapply for housing subject to the conditions described in these policies.

**H. Debts Owed**

Any family who has failed to pay an outstanding balance consisting of uncollected rent and/or miscellaneous charges owed to the AHA or any other federally funded housing program must satisfy this debt in order to be eligible for admission. The applicant must pay the outstanding balance and submit verification of such payment within 30 days of receiving notification from AHA that the family has been selected from the waiting list. AHA will not initiate the eligibility determination and verification process until the applicant supplies the required verification. If after 30 days the debt has not been paid, AHA will determine the applicant ineligible.

**I. Notification of Eligibility**

If eligibility is established based upon AHA's verification of the criteria set forth in this section, the AHA will send the applicant one of the following within thirty (30) calendar days:

- a. If the applicant meets the eligibility criteria, he/she will be sent a letter indicating they are eligible for admission and is being offered a unit.
- b. If the applicant does not meet the eligibility criteria, he/she will be sent a letter which will indicate that, based upon the application submitted, he/she does not qualify for admission to the Program at this time and the application does not meet eligibility criteria. The letter will also contain the reason for such denial and an explanation of the Informal Review procedures. Applicants will have fourteen (14) calendar days in which to make a written request for an Informal Review to dispute the AHA's decision.

In the event the family is ineligible due to non-citizen status, the AHA will notify the family in writing of ineligibility. The letter will inform them of their right to a Department of Homeland Security (DHS) appeal and/or PHA Informal Review.

## 5. Tenant Assignment Plan

### A. Method of Applicant Assignment

In accordance with the AHA’s Admission Policy, the plan for assignment of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, familial status, national origin, sexual orientation or gender identity is as follows:

1. The AHA hereby establishes a Plan in accordance with HUD Regulations (Plan A, as per Handbook 7565.1 REV-2, Chapter 5, paragraph 5-7), under which the eligible applicant, as determined once all verifications are completed, first in sequence must accept the vacancy offered or be moved to last place on the eligible applicant list.
  
2. If the applicant is willing to accept the unit offered, but is unable to move at the time of the offer, and presents clear evidence of his/her inability to move to the Authority’s satisfaction, refusal of the offer shall not require that the applicant be placed at the bottom of the waiting list.
  
3. If an applicant presents to the satisfaction of the Authority clear evidence that the acceptance of a suitable vacancy will result in undue hardship or handicap not related to considerations of race, color, sex, religion or national origin, such as inaccessibility to source of employment or children’s day care, refusal of the offer shall not require that the applicant be placed at the bottom of the waiting list.

### B. Transfers

1. The AHA designates certain types of transfers as taking priority over new admissions. All other transfers for reasons that do not meet one of these priorities will be evaluated on a case by case basis to minimize impact on vacancy turn-around time and rent collections. The AHA shall maintain a transfer list to determine priority and precedence and indicate reason for the transfer. Such transfers will be approved by the AHA for the following reasons in the priority order listed:

- Priority 1: For emergencies as determined by the AHA.
  
- Priority 2: To permit modernization of the unit and/or building.
  
- Priority 3: To alleviate medical problems.
  
- Priority 4: To correct occupancy standards.
  
- Priority 5: To avoid concentrations of the most economically and socially deprived families.

2. If the Authority has units within the same community large enough to accommodate the family's needs but does not have a vacancy of any such unit, the Authority may transfer the family to a suitable unit in another community in accordance with the Authority's Assignment Policy. The transferring of families shall have priority over new applicants.
3. Reassignment of transfers to other dwelling units shall be made in compliance with the AHA's non-discrimination policy.
4. Residents **shall not** be transferred to a dwelling unit of equal size within the project except for alleviating hardships as determined by the Executive Director or his/her designee. Tenants requesting a transfer on this basis must submit written evidence documenting the nature of the hardship for the Executive Director's consideration and decision.
5. When an adapted/accessible unit becomes vacant, the unit will be offered in the following manner:
  - a. First, to a current occupant of another unit in any community who has a disability which requires the accessibility features of the vacant unit.
  - b. Second, to an eligible qualified applicant on the waiting list who has a disability which requires the accessibility features of the vacant unit.
  - c. Third, to an eligible non-disabled applicant (the AHA may require the applicant to agree to move to a non-accessible unit when available if another applicant requires the accessibility features of this unit; this agreement may be incorporated into the lease).
6. Refusal by the tenant of an AHA required transfer to an appropriate unit is grounds for termination.
7. Transfers at a tenant's request to any AHA site must meet the following minimum requirements:
  - a. Complete appropriate transfer form;
  - b. Be current in his/her rent/utility payments;
  - c. Have made timely rent payments during the last twelve (12) months;
  - d. Have a history of maintaining his/her unit in a safe, decent and sanitary condition during his/her residency with the Authority;
  - e. Have no serious lease violations in the last twelve (12) months which might cause the Authority to initiate legal eviction procedures for causes other than non-payment of rent; and

- f. Prior to transfer, tenant must have the unit in good condition with the exception of normal wear.

**C. Leasing of Dwelling Units**

1. A lease agreement shall be signed by the head, spouse, and all other adult members of the household accepted as a tenant family and by the Executive Director or his/her designee prior to actual admission. A security deposit of one month rent or \$100.00, whichever is greater, will be required at the time the lease agreement is executed. The AHA reserves the right to establish a payment schedule of three equal payments for the security deposit if warranted.
2. If a tenant family transfers within the community or dwelling units, a new lease will be executed prior to move-in.
3. If at any time during the life of the lease agreement a change in tenant's status results in the need for changing or amending any provision of the lease:
  - a. A new lease agreement will be executed;
  - b. A Notice of Rent Adjustment will be sent; or
  - c. An appropriate rider will be prepared and made a part of the existing lease, or appropriate insertions will be made within the lease. All copies of such riders or inserts are to be dated and signed by the tenant and the Executive Director or other authorized representative of the AHA.
4. Only those persons listed on the most recent certification form shall be permitted to occupy a dwelling unit, unless there is a birth to a family member, court-ordered custody, adoption or other addition which has been authorized by the AHA's designee in writing. Any addition to the family approved by the AHA will result in an amendment to the lease to include the new family member.

Following receipt of a family's request for approval to add a new person to the lease, the Authority will conduct a pre-admission screening of the proposed new occupant. The results of the screening shall be used to determine whether the Authority will approve admitting the new occupant. Residents who fail to notify the Authority of additions to the household, or who permit persons to join the household without undergoing screening, are in violation of the lease. Such persons will be considered to be unauthorized occupants by the Authority and the entire household will be subject to eviction.

- a. Family members over the age of 18 who move from the dwelling unit to establish new households shall be removed from the lease. These individuals must apply as a new applicant or an adult addition to a unit.
- b. Overnight adult guests are permitted to visit for up to fourteen days in a twelve month period with prior AHA approval. Overnight guests may be permitted in a

dwelling unit, provided that the family has reported the guest(s), in writing, to the Housing Manager prior to or within 72 hours of their arrival. Visitors are not members of the family. If the person is a visitor and does not intend to become a “permanent” member of the family, the AHA does not have to consider this to be a change in family composition.

If the visitor remains for more than fourteen (14) consecutive calendar days in a calendar year, without prior approval, it will be considered to be a violation of the public housing program and the lease, and grounds for eviction of the family.

- c. Roomers and lodgers shall not be permitted to occupy a dwelling unit, nor shall they be permitted to move in with any family occupying a dwelling. Only tenants are permitted to use the address of the complex.
- d. Tenants will not be given permission to allow a former tenant of the Authority who has been evicted to occupy the unit for any period of time.

#### **D. Unit Inspections**

Unit inspections are required at three times: prior to move-in, upon move-out, and at least once annually. The AHA will provide notice to the tenant at least 48 hours in advance of an inspection of an occupied unit. Inspections are conducted to assure compliance with applicable HUD standards and will be administered in accordance with the following:

##### **1. Pre-Occupancy Inspections (Move-in):**

- a. The AHA and the tenant or his/her representative will inspect the dwelling unit prior to occupancy by the tenant. The AHA will provide the tenant with a copy of the inspection form showing the condition of the premises, interior and exterior as applicable, and any equipment provided with the unit.
- b. The inspection form shall be signed by the AHA staff member and tenant, and a copy of the form will be retained in the tenant’s record. Any deficiencies noted on the inspection form will be corrected by the AHA and at no charge to the tenant.

##### **2. Annual Inspections:**

- a. The PHA will inspect all units at least annually. More frequent inspections will be conducted as required by unit conditions. Tenants will be notified as to the date and time of inspection in accordance with the lease.

- b. In addition to the HUD-required standards, annual inspections will evaluate: housekeeping conditions against lease standards, safety conditions, tenant's care of the dwelling unit, and compliance with other obligations under the lease. As such, the tenant will be informed of deficiencies and notified of any action required by the tenant or the AHA to correct deficiencies.
- c. Where tenant action is required, re-inspections will be conducted as required.

**3. Termination Inspection (Move-out):**

- a. The AHA will inspect the unit at the time the tenant vacates the unit and give the tenant a written statement of the charges, if any, for which the tenant is responsible within thirty (30) days following the move-out. The tenant and/or a representative may join in such inspection, unless the tenant vacates without notice to the AHA.

In cases of emergencies, the AHA may enter a leased unit without providing 48 hours notice to the tenant. In such instances, the AHA will notify the family as soon as possible.



## 6. Eligibility for Continued Occupancy/Reexaminations

### A. Eligibility for Continued Occupancy

Tenants of the AHA who do not elect to pay the Flat Rent are to be charged rent at a rate not to exceed thirty percent (30%) of their monthly adjusted income except as noted below:

1. Minimum Rent: The rent for any dwelling unit shall not be less than 10% of the gross monthly income of the family occupying the dwelling unit or fifty (\$50.00).
2. Maximum Gross Rent to Income Ratio: The rent for any dwelling unit shall not exceed thirty percent (30%) of family adjusted gross income except as provided in this Policy.

Only those tenants who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a family as defined by the regulations and PIH Notices; and
2. Are in full compliance with resident's obligations and responsibilities as listed in the resident's dwelling lease.
3. Have a valid and verified social security number on file for each household member, with the exception of existing residents as of January 31, 2010, who are 62 years of age or older, who have not previously disclosed a valid SSN, as allowed under 24 CFR 5.216. If the tenant is otherwise eligible, the AHA will allow up to 90 days from its determination of noncompliance for the tenant to disclose the necessary information and documentation for each household member, as described in Chapter 2, provided the tenant's failure to comply to date was due to circumstances outside the tenant's control and they provided sufficient assurance of their ability to comply within the specified period. The AHA is required to terminate the tenancy of the entire family that is unable to comply with this requirement.

### B. Reexaminations

The AHA will examine family income, size and composition, at admission and at least annually for the purposes of determining rent and eligibility (except for those families who choose a "flat rent option" as identified in Section I of this chapter). The examination will include that of income and other family information. Verification will be in accordance with Chapter 3 of this Policy. The family must submit documentation and verification which the AHA deems necessary for the purpose of determining annual income, adjusted income or total tenant payment; or for the purpose of auditing the family's eligibility to receive assistance.

**C. Reporting Requirements**

1. Families who participate in the public housing program must report all changes in family composition or a change of income, and other related items when the change occurs. Such changes must be reported in accordance with the “Immediate Reporting” requirements of this Policy. Participants who report no income will be subject to the “Zero Income” requirements of this Policy. However, it is the AHA’s policy to only process an interim following a decrease in income.
2. Families must supply all information requested by the AHA or HUD for use in admission of an applicant, a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements. “Information” includes any requested documentation, release or certification.
3. The AHA must approve the composition of the assisted unit including approval of the inclusion of a foster child or live-in aide. Any requests to add a new member to the household member must meet the social security number disclosure and verification requirements described in Chapter 2.
4. Any information supplied by the family must be true and correct.
5. Failure by the family to comply with these reporting requirements is considered to be a violation of their obligations and grounds for termination of participation.

**D. Reporting Exceptions**

1. Families who receive Social Security, Social Security Disability, pensions or Supplemental Security Income (SSI) are not required to report their annual increase when it occurs. The AHA will not increase the family’s total tenant payment until their next regularly scheduled annual reexamination except when an interim reexamination is necessary as a result of any other changes listed in the “Reporting Requirements” section of this chapter.
2. Families who elect to pay rent based upon the AHA determined flat rent, will be required to report income changes not less than once every three (3) years.

**E. Zero Income**

In any instance, if a family reports that it has no income being received by family members, the AHA will complete a Zero Income checklist based on information provided by the family. The AHA will recertify family income at the next scheduled annual reexamination. The AHA may begin eviction procedures to a resident family that claims zero income if evidence exists that the

family is receiving income as defined in 24 CFR 5.609. Any family whose participation is to be terminated under this section will be given the opportunity for a Grievance Hearing in accordance with the Lease and Grievance Procedures.

**F. Annual Reexamination**

**1. Annual Reexamination Process**

- a. At least every twelve months the AHA will conduct a reexamination of the family's income, composition and circumstances (except for those families who choose a "flat rent option" as identified in Section I of this chapter). The process will begin approximately 60-120 days prior to the anniversary date whereby the AHA will notify the tenant of their reexamination date. The family will complete an application for continued occupancy, applicable release forms and other forms deemed to be necessary by the AHA for the purpose of annual reexamination.
- b. Annual reexaminations may be conducted in-person or by mail at the AHA's discretion.
- c. Generally, one (1) attempt will be made to obtain the required reexamination documents from the family. Failure by the family to comply with the AHA's requests for information or to sign consent forms will result in the termination of the family's participation in the public housing program. The family will have the right to a Grievance Hearing in accordance with the Lease and Grievance procedures.

**2. Family Obligation to Recertify**

- a. The family will be notified in writing that they must complete a review of their current family circumstances as to income and family composition.
- b. Failure to supply the required documents within the specified time period will result in the termination of the lease in 30 days for violating Lease Obligations.
- c. The notice of termination will indicate that the family has violated the regulation specified and will offer the family an opportunity for a Grievance Hearing.
- d. The notice of eviction will indicate that the family has violated the regulation specified, and will offer the family an opportunity for an Grievance Hearing in accordance with the Lease and Grievance Procedures.

**3. Completion for the Annual Reexamination**

- a. The family’s TTP will be calculated based upon the information provided and verified during the annual reexamination. However, the AHA may determine the TTP by disallowing deductions and or allowances that it could not substantiate through reasonable verification means. Any changes will be effective on the annual reexamination effective date except as provided under paragraph G of this chapter.

**4. Action Following Reexamination**

- a. If there is any change in rent, the lease will be amended, or a new lease will be executed, or a Notice of Rent Adjustment will be issued.
- b. If any change in unit size is required, the resident will be notified that they will be placed on a transfer list and moved to an appropriate unit when one becomes available.
- c. If it is determined that a family has an ineligible non-citizen, the family will be offered pro-rated assistance. Failure to accept pro-rated assistance will require the AHA to issue to the family a termination notice. If the family requests a deferral of termination, the AHA will honor their request (not to exceed 36 months).

**G. Self-Sufficiency Incentives**

**1. Limits on Rent Incentives**

The PHA must not increase the rent of an eligible family as a result of increased income due to employment during the 12 month period beginning on the date which the employment commenced. Eligible families are those that reside in public housing and:

- a. Whose income increases as a result of employment of a member of the family who was previously unemployed for one year or more. For purposes of this section, “previously unemployed” includes a person who has earned, in the previous 12 months no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage;
- b. Whose earned income increases during the participation of a family member in any family self-sufficiency or other job-related training program; or
- c. Whose annual income increases as a result of new employment or increased earning of a family member, during or within the last 6 months after receiving assistance, benefits or services under any state program for Temporary Assistance for Needy Families (TANF) funded under Part A Title IV of the Social

Security Act, as determined by the PHA in consultation with the local agencies administering TANF and Welfare-to-Work programs.

- d. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance, provided that the total amount over a six-month period is at least \$500.

**2. Phase in of Rent Increases**

Upon expiration of the 12-month period described in paragraph (1) of this section, the rent payable by a family may be increased due to continued employment of a family member except that for the 12-month period following expiration of the 12-month disallowance, the increase may not be greater than 50 percent (50%) of the amount of the total income increase.

**3. Maximum Four-Year Disallowance**

The disallowance of increased income of an individual family member, as provided in the previous paragraphs of this section (G), is limited to a lifetime 48-month period. It only applies for a maximum disallowance of twelve months for each instance, (100% disallowance under paragraph G 1 and the 50% disallowance under paragraph G 2).

A resident who does not report his/her change in income as outlined in Chapter 6 of this policy will have his/her EID made effective beginning on the initial date of employment.

**H. Reduction of Welfare Program Benefits**

Families whose welfare assistance is reduced, specifically because of fraud or failure to participate in an economic self-sufficiency program or comply with a work activities requirement, will not have their TTPs reduced based upon the benefit reduction. The AHA will obtain written verification from the welfare agency prior to denying any request for an income reexamination under this paragraph.

**I. Family Choice of Rental Payment**

**1. Family Choice of Rental Payment**

Any family residing in the AHA's public housing program may annually elect to pay either an income-based rent or a flat rent as part of the annual reexamination process. This option will only be provided during the annual reexamination. Flat rents are determined by the AHA based on the rent reasonableness of the units and will be administered in accordance with HUD regulations and the AHA's Public Housing Agency Plan.

**2. Changes in Rent Determination Due to Hardship**

The AHA may switch rent determination methods for the family because of hardship circumstances experienced by the family. Such change in rent determination will be in accordance with HUD regulations and the AHA's Public Housing Agency Plan.

**J. Community Service and Family Self-Sufficiency**

Each adult resident of the AHA's public housing program (unless exempt under Section 512(c)(2) of the QHWRA) must contribute eight (8) hours per month of eligible community service, or participate in a qualified economic self-sufficiency program. This requirement will be administered in accordance with HUD regulations, the AHA's Public Housing Agency Plan and the following:

**1. AHA Annual Determinations**

- a. For each resident subject to this requirement, the AHA will review and determine the compliance of the resident under this section at least thirty (30) days before the end of each twelve (12) month lease term.
- b. Verification of compliance will be in accordance with the methods defined in the AHA's Public Housing Agency Plan.

**2. Notification of Noncompliance**

- a. Notification by the AHA to the family of noncompliance with this requirement will be subject to the AHA's administrative grievance procedure.

Residents who participate in the AHA's Family Self Sufficiency (FSS) program must comply with the requirements set forth in the AHA's FSS Action Plan.

## 7. Interim Adjustments of Rent

### A. Rent Decreases and Adjustments

If any change of family composition or increase/decrease of income occurs prior to scheduled reexamination, the head of household is required to report complete and accurate information of those changes within ten (10) days to the AHA. Once reported, an interim reexamination will be conducted for changes of family composition or decreases of income. Increases in income will not result in an interim reexamination.

#### 1. Changes of Family Composition

- a. If members aged 18 or older are being added to the household composition they will be added to the lease and required to sign same. Any income that the new members receive will be included in the rent determination at the time the new member enters the household. An interim reexamination will be conducted by the AHA for the purpose of including the additional income.
- b. Any additions to the household members named on the lease, including live-in aides and foster children, but excluding natural births and additions as a result of court-ordered child custody and adoption, require the advance written approval of the Authority. Such approval will be granted only if the new family members pass the Authority's screening criteria and a unit of the appropriate size is available.
- c. Resident agrees to wait for the Authority's approval before allowing additional persons to move into the premises. Failure on the part of Resident to comply with this provision is a serious violation of the material terms of the lease, for which the Authority may terminate the lease.
- d. If a household member is leaving or has left the family unit, his/her name will be removed from the lease. Deletions (for any reason) from the household members named on the lease shall be reported by the Tenant to the Authority in writing within five (5) working days of the occurrence. The AHA will require a change of address for the individual who has moved out.
- e. If a minor is removed from the unit his/her name will be removed from the lease. The head of household must provide the Authority with a copy of the court order approving the removal and that their parental responsibility has been waived.

**2. Changes of Income**

- a. If the information received pertaining to a change of income results in a decrease of tenant rent, such decrease will be effective the first of the month following verification of the reported change. The amount of rent will be determined only after receipt of proper verification.

**B. Immediate Reporting Requirement**

Families must immediately notify the AHA of all reportable changes, as defined in this chapter. Immediate reporting means that the family, without notice, must contact the AHA to report any applicable change within ten (10) days of the actual date of such change, except that any additions to the family, other than births, require prior approval by the AHA.

**C. Incorrect Reporting & False Information**

In any instance, if the AHA believes that a family has provided false, misleading or deliberately inaccurate information to the AHA, the AHA may conduct additional investigation to obtain reasonable evidence, and begin eviction proceedings with proper notice, and/or prosecute the family in accordance with the law. Where evidence of serious fraud exists, the AHA will refer all information to HUD's Office of Inspector for further investigation.

**D. Rent Adjustment Effective Date**

Resident will be notified in writing of any rent adjustment due to the situations described below. The notice will state the rent amount and the effective date of any adjustment.

1. Rent decreases become effective the month following the verified reported change, provided that the change in income or circumstances was reported in a timely manner.
2. In the case of a rent increase due to the annual reexamination, the change in rent will become effective on the anniversary date of the resident's admission.
3. In the case of a rent increase due to an interim reexamination, the change will become effective the first day of the second month following the reexamination.
4. In the case of a rent increase due to fraud, failure to report a change in family composition, the Authority shall apply the increase in rent retroactive to the first of the month in which the fraud/failure to report occurred



## **8. Special Family Circumstances**

### **A. Family Breakup**

If the family breaks up, the AHA must determine the eligibility of remaining family members and who will remain in the unit or if the lease will be terminated. The factors to be considered in making this decision are based on the following:

1. Whether the lease should remain with family members remaining in the unit;
2. The interest of minor children or ill, elderly or disabled family members;
3. Whether actual or threatened domestic violence was involved in the breakup; and
4. If a judicial decree is issued by the courts in a divorce or separation, the AHA will be bound by the court's determination as to which family member will continue to lease the unit.

### **B. Remaining Member of the Family**

A "Remaining family member" is defined as a family member of a tenant family who remains in the unit when other members of the family have moved out. A minor is not considered to be a remaining member of the family unless:

1. The minor has been declared to be emancipated; or
2. A caretaker has been appointed by the courts to see to the welfare of the minor and moves into the unit.

If guardianship is awarded to the caretaker, a new lease/transfer may be required due to the change in family composition.

### **C. Temporarily Absent Child:**

For the purposes of determining family composition, a temporarily absent child is considered to be part of the assisted household. This statutory provision is intended to promote family reunification by permitting the family to rent a unit that will be large enough to accommodate the whole family when the absent child returns from foster care.

### **D. Joint Custody of Minors:**

Minors must reside within the assisted household over 50% of the time to be considered a member of that household. Verification will be required through documentation provided by the court.

**E. Live-in Aide:**

In addition to family members, a live-in aide may be considered to be part of the household for the care and well-being of one or more elderly or near-elderly persons or persons with disabilities in accordance with 24 CFR 966.4. The live-in aide must vacate the premises when the family member who requires the assistance moves from the unit and/or the live-in aide is no longer required for assistance.

The AHA will require that the live-in aide sign a certification as to his/her intent in providing necessary supportive services for the family member(s). Such certification will include statements that the live-in aide:

1. Is essential to the care and well-being of the person;
2. Is not obligated for the support of the person; and
3. Would not be living in the unit, except to provide the necessary supportive services.

The AHA will obtain a Criminal Background Checks on the live-in aide, and may also use police reports for verification. The AHA will also require a written statement, from an appropriate professional who is familiar with the family member, indicating that a live-in aide is essential to the care and well-being of the family member. A determination of the acceptability of such statement will be made by the AHA prior to approval of the live-in aide.

**F. Disapproval of Live-in Aide**

At any time AHA will withdraw the approval of a live-in aide, if the live-in aide:

1. Commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
2. Commits drug-related criminal activity or violent criminal activity; or
3. Currently owes rent or other amounts to the AHA in connection with Section 8 or public housing assistance under the 1937 Act.

If the live-in aide has his/her approval withdrawn, he/she is no longer eligible to remain in the assisted unit and will be considered to be an ineligible member of the household. If the ineligible member remains in the unit after the AHA provides notice of the ineligibility, the AHA will begin eviction procedures.

## **9. Exclusions to Household**

### **A. General Policy**

Income and the Total Tenant Payment are calculated in accordance with 24 CFR Part 5, subpart F for all family members who reside in the household.

### **B. Absent Family/Family Member**

The family will need to declare a member as permanently or temporarily absent in writing to the AHA. The AHA will advise the family at that time, or at reexamination, what the options are and how they might affect the Total Tenant Payment or the unit size. The AHA will utilize the following policies in determining temporary/permanent absences:

1. Abandonment of the leased premises by the Resident shall be presumed when the Resident moves out all or substantially all of the Resident's goods and personal items from the leased premises, and (a) the rent becomes due and unpaid and a notice to terminate the lease has been served, and/or (b) notice to terminate for any other lease violation has been served, and/or (c) notice to transfer electric service has been received and/or (d) mail is undeliverable or has been returned to the AHA.
2. Upon abandonment of the leased premises by Resident, Landlord shall mail a written notice to the Resident that Landlord plans to re-enter the leased premises and take possession of the same and that Landlord shall dispose of any remaining goods and personal property in the leased premises in accordance with State Law. At any time five (5) days or more after Landlord's effort to serve written notice on Resident, Landlord may re-enter the premises and retake possession of same.
3. Absence by the family from their unit for more than 90 days will be considered by the AHA to be abandonment of the unit. The family's assistance will be terminated and they will be provided an opportunity to request a Grievance Hearing.
4. If a member of the family leaves the unit for 90 days or more, they will be considered to be permanently absent. The AHA will determine if the family's unit size must be changed to meet the occupancy standards. The AHA will review each family's circumstances on a case-by-case basis.
5. If a single-member household is absent for more than 90 days, his/her assistance will be terminated, unless he/she requests and is granted an extension. Third-party documentation acceptable to the AHA must be

submitted (such as from a hospital, hospice, etc.) that indicated that he/she will return within the next 90 days (maximum absence cannot exceed 180 days).

**C. Temporarily Absent Family Members Income**

The AHA will include the income of all temporarily absent family members when determining the TTP.

If the spouse or the head of household is temporarily absent, his/her entire income is counted, whether or not he/she is on the lease.

**D. Other Absent Family Members**

The following will be considered to be permanently absent family members and will not be included in the household:

1. Family members in the military (excluding head and/or spouse);
2. Children who do not reside in the household over 50% of the time.

## **10. Lease Termination Procedure**

### **A. Notice Requirements**

No tenant shall be given a Notice of Lease Termination without being informed in writing of the reason for the termination by the AHA. The tenant must also be informed of his/her right to request a Grievance Hearing in accordance with the Lease and Grievance Procedure and be given the opportunity to make such a reply as he/she may wish.

Certain actions are excluded from the Grievance Procedure:

1. Any activity, not just criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or Authority employees;
2. Any drug-related criminal activity on or off Authority premises; or
3. Any drug or alcohol abuse that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

### **B. Recordkeeping Requirements**

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

1. Name of tenant, number and identification of unit occupied;
2. Date(s) of the 14-Day Notice of Lease Termination (HUD Requirement) and the Notice to Quit (State Law Requirement);
3. Specific reason(s) for the Notices, with lease violations, disturbances, and other facts pertinent to the issuing of the Notices described in detail;
4. Date and method of notifying the tenant; and
5. Summaries of any conferences held with the tenant, including names of conference participants and conclusions.

## **11. Repayment Agreements**

The AHA provides, in certain circumstances, an opportunity for families who owe money to the AHA to enter into repayment agreements and continue to participate in the public housing program. At the discretion of the AHA, and in accordance with this Admissions and Occupancy Policy, the family may be offered an opportunity to enter into a repayment agreement to pay for amounts owed the AHA. The AHA will calculate the installment amounts and prescribe the terms of the repayment agreements. There will be no repayment agreement offered for a second occurrence. The balance must be paid in a lump sum settlement or eviction proceedings will be implemented.

### **A. Unreported or Misreported Income**

When the AHA identifies cases where the family has erroneously reported their household income, or has not reported all of their household income, a determination will be made as to whether the family's action or inaction by the family appears to be deliberate, and if whether any Family Obligations have been violated. A repayment agreement may be offered if the family has not:

1. Committed fraud or willfully misrepresented information;
2. Violated any of the Family Obligations; or
3. Previously breached a repayment agreement with the AHA in the past three (3) years.

### **B. Other Amounts Owed the AHA**

A family may owe the AHA money for reasons other than overpayments from incorrect rental calculations and disbursements for special claims. Repayment agreements for other amounts owed may be offered to families by the AHA depending upon the origin of the outstanding debt and any rules governing the type of debt. The decision to offer a repayment agreement in this category will be made on an individual basis by the AHA.

### **C. Repayment Agreement Policy**

The repayment agreement will be specific, identifying the reason for the reimbursement, term of the agreement, payment frequency and due date, installment amount and other binding conditions structured by the AHA. The family's head of household must execute a repayment agreement within thirty (30) calendar days of the offer by the AHA, otherwise it will be considered a refusal by the family. The repayment agreement policy conforms to the following:

1. Each installment will be due in advance by the family. Payments will be made to the AHA's main office or the AHA's banking institution. The head of household will receive a copy of the repayment agreement and payment invoices.
2. A repayment agreement for a family will consist of a term of no longer than 12 months unless approved by the Executive Director or designee.

3. Any breach of the terms or conditions of a repayment agreement will result in the eviction of the family.
4. If a family is offered a repayment agreement for monies owed the AHA, and the family refuses, the entire amount will be due immediately. Failure by the family to pay the AHA will be considered reason for eviction of the family.
5. Advance notice of lease termination under this paragraph and a right to a Grievance Hearing will be provided to the family prior to eviction.

**D. Prosecution for Fraud**

If the AHA determines that the family has committed fraud after a repayment agreement has been executed, the AHA may begin eviction procedures. In all cases involving fraud, the AHA has the right to prosecute in accordance with applicable laws.

## **12. Violence Against Women and Department of Justice Reauthorization ACT of 2005**

### **A. Overview**

The AHA will ensure that any denial of admission to an applicant or termination of assistance, tenancy or occupancy rights to a resident assisted under AHA's public housing program complies with the provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA). The purpose of this Act is to prohibit the eviction of, and removal of assistance from, certain persons living in public or Section 8-assisted housing if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in Section 3 of the United States Housing Act of 1937 as amended by VAWA (42 U.S.C. 13925).

The AHA will observe the following VAWA provisions in the administration of its Public Housing programs as they relate to victims of domestic violence:

1. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence.
2. Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for termination of the tenancy or occupancy rights, if the resident or immediate member of the resident's family is a victim of that domestic violence, dating violence, or stalking.

### **B. Certification Requirements**

1. The head of household and spouse or co-head will be required to sign the "Violence Against Women Act Notification of Rights and Lease Addendum" (Form HUD-91067) with the original lease during the admissions process and any new lease that is created after move-in.
2. The AHA may amend the lease in order to evict, remove, or terminate assistance to any individual who is a resident or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a resident or lawful occupant.
3. The AHA retains the right to evict a resident if it can be demonstrated that there is an actual and imminent threat to other residents or those employed at or providing service to the property if the resident's tenancy is not terminated.



4. Victims of abuse must certify that the alleged incidents of abuse are bona fide through an approved certification method. This requirement can be satisfied through providing a signed copy of one of the following:
5. PIH Certification of Domestic Violence, Dating Violence or Stalking (form HUD-50066);
6. A Federal, State, tribal, territorial, or local police or court record; or
7. Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.
8. The AHA must receive one of the completed certification documents noted above within fourteen (14) business days after providing it to the resident. If the individual is non-compliant, the AHA may evict any resident or lawful occupant that commits a violation of the lease. AHA may extend the fourteen (14) day deadline at its discretion.
9. The AHA will maintain the confidentiality of all information provided by an individual who is a victim of domestic violence, dating violence, or stalking, except to the extent that disclosure is:
  - Requested or consented to by the individual in writing;
  - Required for use in an eviction proceeding; or
  - Otherwise required by applicable law.

The following are additional requirements regarding requests for emergency transfers that are the result of domestic violence, dating violence, or stalking:

1. Resident initiated emergency transfers that are the result of domestic violence, dating violence, or stalking will only be approved if they are accompanied by documentation acceptable to the AHA substantiating the domestic violence, dating violence, or stalking.
2. Whenever a resident is granted an emergency transfer that is the result of domestic violence, dating violence, or stalking, the perpetrator of such violence or stalking will be automatically barred from the resident's previous residence, the resident's new residence, and all of the resident's subsequent residences.
3. A resident who is granted an emergency transfer that is the result of domestic violence, dating violence, or stalking who subsequently allows a barred perpetrator of such violence or stalking onto the property will be in violation of his/her lease and subject to possible eviction.