

# Admission and Continued Occupancy Policy



Jacksonville Housing Authority

May 15, 2024

Adopted Date

July 1, 2024

Implemented Date

2253

Board Resolution

# Admission and Continued Occupancy Policy

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## I. INTRODUCTION

### A. Mission Statement:

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

In order to achieve this mission, we will:

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

### B. Purpose of Policy:

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

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

### C. Primary Responsibilities of the HA:

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

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

10. Annual updates of:

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

## **D. Objectives:**

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

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

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

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

## **II. NONDISCRIMINATION**

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

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

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

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

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

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



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student). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior.

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

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

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

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

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

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

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

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

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

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## III. FAMILY INFORMATION, VERIFICATION & PRIVACY RIGHTS

- The family must supply any information that the HA or HUD determines is necessary in the administration of the public housing program. "Information" includes any requested certification, release or other documentation.
- The family must supply any information requested by the HA or HUD for use in a regularly scheduled reexamination or an interim reexamination of family income, community service requirements and family composition in accordance with HUD requirements.
- The Tenant must supply information to the HA regarding any guardianship information, or the need to contact a third party on behalf of the Tenant.
- Any information supplied by the family must be true and complete.
- The use or disclosure of information obtained from a family or from another source pursuant to this release and consent shall be limited to purposes directly connected with the administration of the program.
- Applicants will be required to sign the Federal Privacy Act Statement, which states under what conditions HUD will release resident information.
  - The executed consent form will remain effective until the family is denied assistance, the assistance is terminated, or the family provides written notification to the PHA to revoke consent.
  - Families have the right to revoke consent by notice to the PHA; however, revoking consent will result in termination or denial of assistance.

NOTE 1: Revocation of consent or refusal to sign the consent form prohibits the PHA from requesting and accessing income information and financial records, including pulling any EIV reports and using EIV data to verify income.

NOTE 2: The PHA must notify the local HUD office when an applicant or participant family member revokes their consent.

- Requests for information by other parties must be accompanied by a signed release request in order for the HA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations.
- Information received to verify eligibility or continued occupancy shall be confidential and not disclosed to any third party without a written release and/or proper authorization.
- Information received relating to credit history, EIV, and criminal history shall be governed by those respective policies.

## IV. MISSED APPOINTMENTS

### A. Types of Appointments:

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

- Complete Application;
- Bringing in Verification Information;
- Briefing prior to Occupancy;

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

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

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

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

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

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

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

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

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

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

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

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

If an applicant, resident, or third-party verification source is found to have made willful misrepresentations at any time that resulted in the applicant or resident being classified as

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

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

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

1. The HA will conduct affirmative marketing as needed so the waiting list includes a mix of applicants with races, ethnic backgrounds, ages and disabilities proportionate to the mix of those groups in the eligible population of the area. The marketing plan will take into consideration the number and distribution of vacant units, units that can be expected to become vacant because of move-outs, and characteristics of families on the waiting list. The HA will review these factors regularly to determine the need for and scope of marketing efforts. All marketing efforts will include outreach to those least likely to apply.
  - a) Marketing and informational materials will:
    - Comply with Fair Housing Act requirements on wording, logo, size of type, etc.;
    - Describe the housing units, application process, waiting list and preference structure accurately;
    - Use clear and easy to understand terms including any non-English media available in the area;
    - Contact agencies that serve potentially qualified applicants least likely to apply (e.g. the disabled) to ensure that accessible/adaptable units are offered to applicants who need their features;
    - Make clear who is eligible: low-income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
    - Be clear about the HA's responsibility to provide reasonable accommodations to people with disabilities.
    - Provide that an applicant may request a reasonable accommodation at any time during the application process
  - b) Outreach:

As much information, as possible about Public Housing will be disseminated through local media (newspaper, radio, television, social media, Web sites, etc.).

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For those who call the HA Office, the staff should be available to convey essential information, or:

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

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

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

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

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

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

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

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

- a) For any unit size or type, if the HA's waiting list has sufficient applications to fill anticipated vacancies for the coming 12 months, the HA may elect to:
  - Close the waiting list completely;

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

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

a) Closing of Application Taking:

The HA will make known to the public through publication in a newspaper of general circulation (if available), minority media, or other suitable means that applications for public housing units are being suspended. To reach persons who cannot read the newspapers, the HA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as well as public service announcements, will be made.

b) Opening of Application Taking:

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

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

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

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### 4. Updating the Waiting List:

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

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

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

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

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

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

### 1. How to Apply:

Families wishing to apply for Public Housing shall complete an application for public housing assistance. Applications may be made on the Housing authority WEB site ([www.jacksonvillealhousing.com](http://www.jacksonvillealhousing.com)), via email, or in person during specified dates and business hours posted at the HA's office(s) at the following location(s): 895 Gardner Drive, Southeast, Jacksonville, Alabama.

- Completed applications will be accepted for all applicants and the information will be verified by the HA.
- The application must be dated, time-stamped, and referred to the HA's office where resident selection and assignment is processed.
- Individuals who have a impairment which would prevent them from completing an application as described above may call the HA to make special arrangements to complete their application. A Telecommunication Device for the Deaf (TDD) is no longer required as these services are available through the telephone service provider. If the applicant is visually impaired, all notices must be in a format understandable by applicant.



## Admission and Continued Occupancy Policy

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- Form HUD-92006, Supplement to Application for Federally Assisted Housing, shall be completed as appropriate at admission and/or recertification. This form shall remain confidential.

### 2. Interviews and Verification Process:

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

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

- a) Family type (elderly/disabled/near elderly /non-elderly); May be verified by examination of: birth certificate, driver's license or other government ID card with photo, marriage license, SSI verification, licensed doctor statement, or other similar document.
- b) Verification of family composition is verification of the members who will live in the unit which meet the definition of a family defined in this policy.
- c) Annual Income:  
Income verification will be conducted in the chronological order listed below: Each step must be documented prior to proceeding to use the next option. The specified order listed below must be followed:

Step	Action
<b>1st</b>	Enterprise Income Verification (EIV). Must review EIV Income Report for all families when verifying income and maintain a copy in the resident file. <b>NOTE:</b> Cannot be used to calculate earned income.
<b>2nd</b>	Up front income verification (UIV) (Ex: Work Number, Credit Bureau). UIV sources are those that can be accessed directly by the PHA either online or via automated telephone system. If desired information is NOT obtained go to next step.
<b>3rd</b>	Written Third Party Verification: Mandatory to supplement EIV reported income. Third-party generated documents, include paystubs, bank statements, print outs from online system, benefit letter, etc. Must collect at least two consecutive paystubs for employment income. If desired information is NOT obtained go to next step.
<b>4th</b>	Third party written verification form. Send standard income verification to income source(s). May be sent by mail or fax. <b>Note: <i>If a desirable response is not received in a timely manner a 2nd letter may be sent but not required in all cases.</i></b> If desired information is NOT obtained go to next step.
<b>5th</b>	Third Party oral verification (documented to file). This could be via phone or interview by staff. A written record of this contact should be prepared by the HA that includes: date/time of contact, name and source of information, the HA

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	<p>staff person, summary of information provided, and the reason for using oral verification.</p> <p>If desired information is NOT obtained go to next step.</p>
<b>6th</b>	<p>Family Declaration or Certification: When all other forms of verification are impossible to obtain, the HA can obtain a notarized statement or signed affidavit from the family, attesting to the accuracy of the information provided. The applicant's file should clearly document why other forms of verification were impossible to obtain. Please note that this type of documentation should rarely be used and should not be used merely for the convenience of the applicant or the HA, or where the applicant cannot provide the necessary information.</p> <p>May be used as highest form of verification when the family reports zero income.</p>

d) Assets and Asset Income;

- Real Property Ownership - The PHA will rely upon a self-certification from the family at both admission and reexamination stating that they do not have any present ownership interest in any real property.
  - If a family declares present ownership in real property, PHAs must seek third-party verification of the following, as applicable:
    - Whether or not the family has the legal right to reside in the property; and
    - Whether or not the family has the effective legal authority to sell the property; and
    - Whether or not the property is suitable for occupancy by the family as a residence.
  - In the case of a family member who is a victim of domestic violence, dating violence, sexual assault, or stalking, the PHA will comply with the confidentiality requirements under 5.2007. The PHA will accept a self-certification from the family member, and the restrictions on requesting documentation under § 5.2007 apply.
- Net Family Assets under \$50,000
  - The PHA will accept a family's self-certification of net family assets equal to or less than \$50,000 (adjusted annually for inflation) and anticipated income earned from assets without taking additional steps to verify accuracy, at admission and at reexamination, except.
  - Every three years at reexamination net family assets must be fully verified

e) Social Security and SSI;

Check EIV, if not available: request that the applicant provide a copy of their SS or SSI benefit letter, dated within the last 60-days. If the applicant does not have a current letter, assist the applicant in requesting the benefit letter from the SSA website. [www.socialsecurity.gov](http://www.socialsecurity.gov)

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- f) Deductions from Income;  
Same as income (start with 3rd step)
- g) Preferences;  
Same as income (start with 3rd step)
- h) Social Security Numbers (SSN) of all Family Members; Families are required to provide SSN's for all family members prior to admission. All members of the family defined above must provide an original valid social security card.
  - A self-certification and a third-party document with the applicant's name printed on it may be used satisfy the SSN disclosure requirement if the PHA has exhausted all other attempts to obtain the required documentation. Prior to being added to the lease (newborns/adoptions/etc.) the head-of-house must provide an original valid card or other original government issued document containing the name and SSN.

NOTE: Exception for the following individuals:

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

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

### **E. The Preference System**

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

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

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

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

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

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

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

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

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

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

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

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- Single Persons who are elderly, displaced, homeless, or persons with disabilities over other single persons;
- Victims of Domestic Violence/Dating Violence/Sexual Assault/Stalking.
- Resident of the City of Jacksonville
- Veteran of the United States Military.

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

These preferences apply only to specific units

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

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

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

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

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

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

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

### **1. HUD Regulations**

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

### **2. Asset Limitation**

PHAs must deny admission of an applicant family for the following:

- Net family assets that exceed \$100,000 (adjusted annually for inflation); and/or
- The family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell the real property (based on laws of the state or locality in which the property is located) that is suitable for occupancy by the family as a residence.

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

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

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**NOTE:** Applicants that owe a HA or any other federally subsidized program funds will not be processed for occupancy. The applicant must pay the funds owed prior to the application being processed (current, written repayment agreements may be considered for further processing). After the application is processed, the applicant must meet all other conditions for occupancy. Re-paying funds that are due does not necessarily qualify an applicant for occupancy. Such payments will be considered along with other factors in the application process. Any money owed to a HA which has been discharged by bankruptcy shall not be considered in making this determination.

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

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

- k) All applicants may be asked to attend and complete the HA's Pre-Occupancy Orientation.
- l) The HA's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of the applicant family's adult members:
  - Past performance in meeting financial obligations, especially rent and utility bills.
  - Record of disturbance of neighbors (sufficient to warrant a police call) destruction of property, or living or housekeeping habits that may adversely affect the health, safety, or welfare of other residents or neighbors.
  - History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property or other criminal acts including drug-related criminal activity that could adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development.

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

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



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- Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing (lifetime ban);
- Any member of the household is subject to a lifetime registration requirement under a state sex offender registration program (lifetime ban); or
- Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

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

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

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

- a) If negative information is received about an applicant, the HA shall consider the

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time, nature, and extent of the applicant's conduct and other factors that might indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.

- b) Mitigating circumstances are facts relating to the applicant's negative rental history or behavior, that, when verified, indicate. The reason for the unsuitable rental history and/or behavior; and that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, AND applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.
- c) If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, the HA shall refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. The HA shall also have the right to request further information to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.
- d) Examples of mitigating circumstances might include:
  - Evidence of successful rehabilitation;
  - Evidence of the applicant family's participation in social service or other appropriate counseling service; or
  - Evidence of successful and sustained modification of previous disqualifying behavior.
- e) Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. The HA will consider such circumstances in light of:
  - The applicant's ability to verify the mitigating circumstances and prospects for improved future behavior;
  - The applicant's overall performance with respect to all the screening requirements; and
  - The nature and seriousness of any criminal activity, especially drug related criminal activity that appears in the applicant's record.

### **5. Qualified and Unqualified Applicants:**

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

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Families will be notified by the HA of the approximate time frame of admission insofar as that date can be determined; however, the time frame stated by the HA is an estimate and does not guarantee that applicants can expect to be housed by that date.

c) Denied (DETERMINED TO BE INELIGIBLE):

Generally, applicants may be denied admission to Public Housing for the following time frames, which shall begin on the date of application, unless otherwise provided for herein below: NOTE: Additional denials may be issued on future applications if the reason for an earlier denial still exists (housekeeping, poor rent paying habits, etc. may require verification that the issues no longer exist).

1) Denied admission for up to one year for the following:

- Past rental record,
- Bad rent paying habits,
- Bad housekeeping habits, in and outside the unit,
- Damages,
- Disturbances,
- Live-ins,
- Demonstration of hostile behavior during the interview process that indicates that the applicant may be a threat to staff or residents,
- Being evicted from a HA, including having moved from a HA as a result of their lease being terminated by the HA for reasons other than as listed below (beginning on the date of such eviction),
- Having other federally subsidized housing assistance terminated for reasons other than as listed below (beginning on the date of such eviction).

2) Denied admission for up to three years for the following:

- Persons evicted from public housing, Indian Housing, Section 8, or Section 23 programs because of drug-related criminal activity (except drug trafficking) are ineligible for admission to public housing for up to a three year period beginning on the date of such eviction.
- The HA will consider mitigating circumstances including successful completion of a rehabilitation program approved by the HA, or the circumstances leading to the eviction no longer exist.
- Drug use without evidence of rehabilitation.

3) Denied admission for up to five years for the following:

- Fraud: (giving false information on the application or during an interview is considered fraud).
- A criminal record that indicates that the applicant may be a threat and/or negative influence on other residents. The five years shall begin on date of the last reported act or conviction.

4) Denied admission for up to 10 years for the following:

- From date of conviction for drug trafficking/distribution.

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- 5) Denied admission ***for life*** to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.
- 6) Denied admission ***for life*** to any applicant who has been convicted of manufacturing or producing methamphetamine (commonly referred to as "speed") **on the premises of any federally assisted housing**. Premises are defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

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

d) Notice to Deny Applicants:

Unqualified applicants will be promptly notified by a Notice of Rejection from the HA, stating the basis for such determination and offering an opportunity for informal hearing (see Procedure for Informal Hearing for Rejected Applicants). The denial letter will allow the applicant 10 calendar days to request an informal meeting (verbal and/or in writing) with the HA. A HA representative will hear the appeal and issue a decision within 10 calendar days of the meeting. Informal hearings for applicants are different from the resident grievance process. Applicants are not entitled to use of the resident grievance process.

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

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

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

#### **Guidelines**

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

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

- a) It will not be necessary for adults of different generations or opposite sex, other than spouse's or persons who represent themselves as a couple, to occupy the same bedroom, although they may do so at the request of the family.
- b) Exceptions to the largest permissible unit size may be made in case of reasonable accommodations for a person with disabilities. In the case of chronic illness, or other physical infirmity, a deviation from the occupancy guidelines, as presented above, is permissible when justified with evidence and documentation from a licensed physician or other health care provider.
- c) Two children of the opposite sex over the age of six years will not be required to share a bedroom, although they may do so at the request of the family.
- d) An unborn child will not be counted as a person in determining unit size. At the option of the HA, an infant, up to the age of two years, may share a bedroom with its parent(s). A single pregnant woman will be assigned to a one-bedroom unit.
- e) The HA will count a child who is temporarily away from the home because the child has been placed in foster care for six months or less, is away at school or other situations that can be documented.
- f) A single head of household parent shall not be required to share a bedroom with his/her child over the age of two years, although they may do so at the request of the family.
- g) A live-in aide may be assigned a bedroom. Single elderly or disabled residents with live-in aides will be assigned two-bedroom units.
- h) Efficiency apartments will be occupied first by persons who prefer efficiencies to one-bedroom units. Once applicants who prefer efficiencies have been housed, single individuals applying to mixed population buildings who wish to live in one-bedroom units (rather than efficiencies) will be offered a unit based on their position on the waiting list to determine whether they will be offered a one bedroom or efficiency.

### **2. The general HUD standard:**

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

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

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

# Admission and Continued Occupancy Policy

### 3. Family Options:

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

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

## VII. TENANT SELECTION AND ASSIGNMENT PLAN

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

### A. Organizing the Waiting List

#### 1. Community-wide Waiting List:

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

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

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

#### 2. Site-based Waiting List:

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

- All current applicants for units of the size and type offered at developments with site-based waiting lists will be given an opportunity to be listed on all waiting lists where they would accept a unit offer.
- Once the initial site-based lists are established, all applicants will be informed of the length of each list and have an opportunity when their application is updated to change their site selection.

## Admission and Continued Occupancy Policy

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- Although applicants will have an opportunity to select the sites where they wish to receive offers, the waiting list and unit offers will continue to be administered centrally.
- Type and size of unit needed (e.g. general occupancy building, accessible or non-accessible unit, number of bedrooms);
- Applicant preference or priority; and
- Date and time the application is received.

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

### **B. Making Unit Offers to Applicants**

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

1. To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability, or familial status in this policy, a one offer system will be used to make unit offers.
  - The first qualified applicant in sequence on the waiting list is made one offer of a unit of appropriate size and type.
  - If the applicant refuses a unit offer without good cause the date and time of their application will be changed to the date and time of the refusal and loss of any preference. Refusal because of good cause will not result in loss of current position on waiting list. This must be documented to and verified by the HA.
2. The HA will first match the unit available to the highest-ranking applicant for a unit of that size, type and special features (if any), taking into account any designated housing (if applicable). Preferences will then be used to determine the order of selection from the waiting list. If two applicants need the same type and size of unit and have the same preference status, the applicant with the earlier date and time of application will receive the offer.
3. In the selection of a family for a unit with accessible features, the HA will give preference to families that include a person with disabilities who can benefit from the unit features. (Current residents have priority over applicants for being housed in an accessible unit.)
4. Vacant elderly or disabled designated units will be offered to the near elderly if there are no eligible elderly or disabled persons on the waiting list. Other families will be offered these units if no eligible near elderly are on the waiting list.

## Admission and Continued Occupancy Policy

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5. The applicant must accept the vacancy offered within seven working days of the date the offer is communicated by first class mail (or the method of communication designated by an applicant with disabilities) or be removed from the waiting list.
6. If more than one unit of the appropriate size and type is available, the first unit to be offered will be the unit that is anticipated to be ready for move-in first. If two units are anticipated to be ready for move-in on the same day, the first unit to be offered will be the unit that became vacant first.
7. The provisions of the deconcentration rule, contained within this policy, shall supersede the selection of applicants based on date and time and local preference points, if applicable, and allow the HA to skip families on the waiting list to accomplish this goal.

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

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

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

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

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



## Admission and Continued Occupancy Policy

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

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

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

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

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

## Admission and Continued Occupancy Policy

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

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

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

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

### **G. Transfers:**

Some transfers take priority over new admissions. See IX.

## **VIII. LEASING POLICIES**

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

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

## Admission and Continued Occupancy Policy

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

5. Residents will be given the opportunity to designate alternative contact points at Leasing and at Reexamination (see Form HUD-92006)
6. Residents should advise the HA, in advance, if they will be absent from the unit for more than 14 days. The lease requires them to notify the HA by the fifth day of the absence. Residents shall notify the manager, secure the unit and provide a means for the HA to contact the resident in an emergency. Failure to advise the HA of an extended absence is grounds for termination of the lease.

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

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

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

1. Only those persons listed on the most recent lease shall be permitted to occupy a dwelling unit.
  - Except for natural births to or adoptions by family members, or court awarded custody, any family seeking to add a new member must request approval in writing before the new member moves in. The family shall notify the HA of all births, adoptions and court awarded custody within ten days of the occurrence.
  - All persons listed on the most recent reexamination form and the lease must use the dwelling unit as their sole domicile.
2. When a resident requests approval to add a new person to the lease, the HA will conduct pre-admission screening of any proposed new member to determine whether the HA will grant such approval.
3. Examples of situations where the addition of a family or household member is subject to screening are:
  - Resident plans to be married and requests to add the new spouse to the lease;
  - Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren);
  - A unit is occupied by a remaining family member(s) under age 18 (who is not an emancipated minor) and an adult who is not a part of the original household, requests permission to take over as the head of the household.
  - See item 9 below for adding a minor using a Power of Attorney.

## Admission and Continued Occupancy Policy

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4. Residents who fail to notify the HA of additions to the household or who permit persons to join the household without undergoing screening are violations of the lease. Persons added without the HA's approval will be considered unauthorized occupants and the entire household will be subject to eviction.
5. Visitors may be permitted in a dwelling unit so long as they have no previous history of behavior on the HA premises that would be a lease violation.
  - Visits of more than 14 days in a calendar year shall be authorized only by the HA with advance documentation of extenuating circumstances.
  - Visitors remaining beyond this period without prior approval of the HA shall be considered unauthorized occupants and the head of the household shall be guilty of a breach of the lease.
6. Boarders, lodgers or others not on the lease shall not be permitted to move in with any family. Violation of this provision is grounds for termination of the lease.
7. Residents will not be given permission to allow a former resident of the HA who has been evicted to occupy the unit for any period of time. Violation of this requirement is grounds for termination of the lease.
8. Family members who move from the dwelling unit shall be removed from the lease.
  - The resident shall report the move out within 10 calendar days of its occurrence.
  - The individual(s) may not be readmitted to the unit and must apply as a new applicant household(s) for placement on the waiting list.
  - Medical hardship or other extenuating circumstances shall be considered by the HA in making determinations under this paragraph.
9. A resident may add a minor to the lease using the “Power of Attorney” provisions of Section 25-2A-7, Code of Alabama 1975. The HA shall require that the resident use the HA form, have the form filed and recorded with the Probate Judge, and return the recorded form to the HA office. The additional person must still meet all criteria of the admissions process and all other provisions of this ACOP shall apply, including the HA’s consideration of whether the unit will still be properly sized, etc. The HA shall verify that the person added to the lease via this method is actually living in the unit. The Power of Attorney is good for only one year and must be annually renewed, recorded, etc.

### IX. TRANSFER POLICY

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

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

# Admission and Continued Occupancy Policy

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## **B. Types of Transfers:**

### **1. HA Mandated:**

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

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

- a. **HEALTH:** Resident may be transferred when the HA determines that there is a medical need for such transfers. The resident will be required to provide a statement from a medical doctor or other health care provider, which indicates the condition of the resident. The HA may send a request to the doctor for verification to be submitted directly to the HA from the doctor. The HA reserves the right to make its own evaluation of the situation and documentation.
  - i. The resident must pay for all moving expenses (unless it is for a reasonable accommodation).
  - ii. If the HA concludes that there is not a substantial and necessary medical need for a health transfer, the request shall be treated as a convenience transfer under Section IX.B.6.
- b. **ADA REASONABLE ACCOMMODATION:** If a resident requests a transfer as a reasonable accommodation under the American with Disabilities Act (ADA), the HA will request third party verification from the doctor. The HA will determine whether or not the request is reasonable and whether or not the ADA applies.
  - i. The HA will pay for all reasonable moving expenses pursuant to HUD schedule of relocation cost.
  - ii. If the HA concludes that the ADA does not apply, the HA will determine whether the transfer should be treated as a convenience transfer under IX.B.6. or as a Health transfer under Paragraph a above.
  - iii. Health/Reasonable Accommodation transfers will not incur a convenience transfer fee.
  - iv. Prior to approval of Health/Reasonable Accommodation transfers, the resident must be current on all utilities and other charges, excluding rent.
  - v. Transfers for a reasonable accommodation take precedence over those on the waiting list needing a reasonable accommodation.
  - vi. Health/Reasonable Accommodation transfers will be within the resident's original neighborhood unless the appropriate size and type of unit does not exist on the site.
- c. **Violence Against Women Act (VAWA):** Resident will be transferred in accordance with the Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking. This request must be submitted on Form HUD-5383 Emergency Transfer Request.
  - i. The resident must pay for all moving expenses.
  - ii. If the Form HUD 5383 is not submitted timely, the request shall be treated as a convenience transfer under Section IX.B.6.

## Admission and Continued Occupancy Policy

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### 3. Other HA Initiated Transfers:

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

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

### 4. Incentive Transfers By HA:

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

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

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

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

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

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

### 6. Convenience Transfers:

The Executive Director or his/her designee may at his/her discretion permit a transfer to another housing community or public housing facility for the convenience of the resident. All costs of the transfer shall be borne by the resident. A "Transfer Charge" list is posted in the HA offices and is based on our contract price for maintenance and an administrative charge of \$250.00 for processing the transfer. The HA updates the transfer charge list as needed. The HA will charge the actual cost of the transfer, which

## Admission and Continued Occupancy Policy

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includes the administrative cost, the cost of preparing the unit for re-rental and, if applicable, a penalty for not turning in the keys to the old unit within three days of the transfer. The resident is allowed a period of three days to move and turn in the keys to the old unit without being charged a penalty. If the move takes more than three days, and the keys are not turned in the resident will be charged \$25.00 per day for each additional day. Prior to the transfer, the Landlord will perform an inspection on the current unit to determine the amount of charges the resident will be required to pay as a result of resident-caused damages, if any. All transfer charges must be paid at the time the resident signs his/her lease and receives the keys for the new unit. The Landlord will perform a final inspection with the resident on the unit that the resident transferred from, after the keys are turned in, and a final determination will be made by the HA staff as to additional charges that may be due the HA. For example, the resident may not have cleaned the unit properly and/or damaged the unit during the moving process. If there are any charges that are due the HA because of this inspection, the resident must pay for these damages within 14 days of written notice from the HA. The resident must sign a transfer agreement after the HA has authorized the transfer and prior to the transfer.

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

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

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

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

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

# Admission and Continued Occupancy Policy

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## **D. Transfer Procedures:**

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

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

### **2. Offers:**

Only one offer of an appropriate unit will be made to each resident being transferred within his/her own neighborhood. A resident being transferred outside his own neighborhood will be allowed to refuse 1 offer(s). In the case of a family being transferred from a unit that is uninhabitable, incorrectly sized or scheduled for major repairs, failure to accept the unit offered, or the 1<sup>st</sup> unit offered in the case of a transfer outside the neighborhood, will be grounds for eviction. When a resident declines an offer of a transfer to a single level unit requested by the resident for health reasons, the HA will notify the resident, at that time, that the HA is not obligated to make any subsequent offers. The HA will notify the resident that the HA has discharged its obligations to the resident and he/she will remain in the unit at his/her own risk, and that the HA assumes no liability for the resident's condition.

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

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

1. In general, and in all cases of resident requested transfers (except for medical reasons and/or ADA Reasonable Accommodation requests), residents will be considered for a transfer only if the head of household and any other family members for the past two years:
  - Have not engaged in criminal activity that threatens the health and safety of residents and staff;
  - Do not owe back rent or other charges or evidence a pattern of late payment;
  - Meet reasonable housekeeping standards and have no housekeeping lease violations; and
  - Can get utilities turned on in the name of the head of household (applicable only to properties with resident paid utilities).



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2. Exceptions to the good record requirements may be made for emergency transfers, ADA Reasonable Accommodations, or when it is to the HA's advantage. Absent a determination of exception, the following policy applies to transfers:
  - If back rent or other charges are owed, the resident will not be transferred until paid in full.
  - A resident with housekeeping standards violations will not be transferred until he/she demonstrates acceptable housekeeping standards for six months and passes a follow-up housekeeping inspection.

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

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

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

1. Qualify as a family as defined in the definition section of this policy. For purpose of continued occupancy, remaining family members qualify as a family so long as at least one of them is of legal age to execute a lease. Remaining family members can also include court recognized emancipated minors under age 18.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members, age six and older, each have Social Security numbers or have examinations on file indicating they have no Social Security number.
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent.
5. Who comply with the HA's eight hour per month community service requirements (if applicable).
6. The PHA will not enforce the asset limitation(s) above at Interim/Annual reexamination. The PHA will still calculate net family assets in the manner required by HUD.
7. Who is not an over-income family (See section XII).

#### **B. Reexaminations:**

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

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

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

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

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

- a) If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, a temporary determination of income and rent is to be made and a special reexamination shall be scheduled for 30, 60, or 90-days, depending on circumstances. The resident shall be notified, in writing, of the date of the special reexamination.
- b) If the family income can be anticipated at the scheduled time, the reexamination shall be completed and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special reexamination shall be prescribed and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.
- c) Rents determined at special reexaminations shall be made effective as noted in the next section.
- d) Families reporting zero income will have their circumstances examined according to the special reexamination section until they have a stable income. Regular or recurring monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose shall be considered income.

# Admission and Continued Occupancy Policy

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## 3. Procedures:

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

## 4. Action Following Reexamination:

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

## XI. INTERIM RENT ADJUSTMENTS

### A. Adjusting Rent between Regular Reexaminations

1. Residents are required to report all changes in income, deductions, family composition or status to the HA in writing within 10 calendar days of the occurrence. Failure to report in writing within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. Residents are also required to report interim increases in income if they have been granted interim rent reductions.

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2. The HA wishes to encourage families to improve their economic circumstances, so adjusted income changes of less than 10 percent in family adjusted income between reexaminations will not result in a rent change.
3. Complete verification of the circumstances applicable to rent adjustments must be documented and approved by the HA.
4. The HA will process interim adjustments in rent as follows:
  - a) Income Change:  
The HA action:
    - Decrease in family income greater than 10 percent of annual **adjusted income**, except for decrease that lasts fewer than 30-days. The HA will process an interim reduction in rent if the income decrease will last more than 30-days. Decreases in income resulting from welfare fraud or from welfare cuts for failure to comply with economic self-sufficiency requirements are not eligible for rent reductions.
    - Decrease in family income when a family member permanently moves out of the unit. The HA will process an interim decrease unless there is no change/decrease in adjusted income as a result of the decrease in family size, then a non-interim transaction is processed instead of an interim reexamination.
    - Increase in family income following the HA granting of interim rent decrease. The HA will process an interim increase for annual **adjusted income** increases of 10 percent or more that follow interim rent reductions.
    - Increase in income because a person with unearned income that increases adjusted income of the family by more than 10 percent joins the household. The HA will process an interim increase.
    - Increase in income because a person with earned income or no income joins the household. The HA will process a non-interim reexamination and inclusion of the income will be delayed until annual reexamination.
    - Increase in income from any new source that are greater than 10 percent of annual **adjusted income** and the HA previously processed an interim decrease during the certification period. The HA will process an interim increase.
    - Incremental increases in family income due to pay increases or raises from existing employment. The HA will defer the increase to the next regular reexamination unless it would result in an increase in **adjusted income** of 10 percent or more and the family has previously received an interim reduction during the same reexamination cycle.
    - Increase in unearned income (e.g. COLA adjustment for social security; unemployment benefits; TANF; new social security/SSI benefits; etc.). The HA will defer the increase to the next regular reexamination unless it would result in an increase in **adjusted income** of 10 percent or more.
  - b) Resident Misrepresentation:
    - The HA will process an interim increase in rent if the resident has misrepresented or failed to report facts upon which rent is based, so the rent the resident is paying is less than it should have been. The HA will apply any increase in rent retroactive to the month following the month in which the misrepresentation occurred, or

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- Based on circumstances the HA may evict.
- c) Deduction Change:
  - A change in family status will be deferred to the next annual reexamination unless the change would result in a 10 percent change in **adjusted income**.
  - A change in the number of dependents will be processed.
  - A change in medical expenses will be deferred to the next annual reexamination unless the change would result in a 10 percent change in **adjusted income** (see hardship exemption).
  - A change in childcare expenses will be deferred to the next annual reexamination unless the change would result in a 10 percent change in **adjusted income** (see hardship exemption).

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

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

1. Rent decreases go into effect the first of the month following the actual date of decrease and/or the date resident reported the decrease, whichever is later. Income decreases reported or verified after the resident accounting cut-off date will be effective the first of the second month with a credit retroactive to the first month.
2. Rent increases (except those due to misrepresentation or late reporting) become effective the first of the month following a 30 day written notification of the increase in rent.
3. For misrepresented or failure to report timely, the HA will apply any increase in rent retroactive to the month following the month in which the misrepresentation occurred.

## **XII. REQUIRED TERMINATION OF FAMILIES EXCEEDING THE OVER INCOME LIMIT**

The Housing Opportunity Through Modernization Act of 2016 requires that Public Housing Authorities establish income limits for continued occupancy. The law sets the limit at 120 percent of the area median income.

Families with a valid Family Self-Sufficiency (FSS) contract are exempt from this Regulation.

### **A. Over Income Limit:**

The over income limit is determined by multiplying the current HUD published Very-Low Income Limit for the family size by 2.4. Families are provided with a two-year grace period before any actions are taken in regards to an over income status.

### **B. Timing**

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1. At every annual or interim reexamination of income (on or after March 24, 2019) the HA will determine if the family's **adjusted** income exceeds the over-income limit. The HA shall document and track any over-income findings in the resident's file.
2. For over-income families, the HA will schedule an income reexamination (annual or interim) 12 months from the reexamination that identified the family as over income.

**NOTE:** The Flat Rent annual update does not require an over-income determination, only the income reexamination that must be performed at least once every three years for families on flat rents. If a Flat Rent family is over income at the reexamination, an interim reexamination must be conducted in 12 months.

### **C. Actions**

1. If one year after the initial over-income finding by the HA, the family's income continues to exceed the over-income limit, the HA will provide written notification to the family.
2. This notification must inform the family that their income has exceeded the over-income limit for one year, and if the family's income continues to exceed the over-income limit for the next 12 consecutive months, the family will be subject to termination of assistance within six months.

**NOTE:** If the HA discovers through an annual or interim reexamination that a previously over-income family has income that is now below the over-income limit, the family is no longer subject to these provisions. A previously over-income family would be entitled to a new two-year grace period if the family's income once again exceeds the over-income limit.

**Exception:** The over-income limit does not apply to families with income exceeding the over-income limit if they are housed by a PHA renting to over-income families under Section XXIV, Occupancy by over Income Families in Certain Public Housing.

## **XIII. LEASE TERMINATION PROCEDURES**

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

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

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

1. No resident shall be given a Notice of Lease Termination without being told by the HA in writing the reason for the termination and the requirements necessary to cure deficiencies if curable.

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- The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure and be given the opportunity to make such a reply as he/she may wish.
  - Lease terminations for certain actions are not eligible for the Grievance Procedure, specifically: any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or the HA employees; and any drug-related criminal activity.
2. Notices of lease termination shall be in accordance with the lease.

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

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

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

## **XIV. UTILITIES**

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

### **A. Resident-Paid Utilities:**

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

1. Each resident will receive a monthly utility allowance that reflects a reasonable amount of utilities for the specific size and type of unit occupied.
3. When a residents Total Tenant Payment is less than the utility allowance, the HA may pay a utility reimbursement, equal to the difference between one month's total tenant payment and the utility allowance, to the utility company on the residents behalf.
4. It may be suggested to the resident to use a "Budget" plan, which protects the resident from seasonal fluctuations in utility bills and ensures adequate heat in the winter
5. When a resident makes application for utility service in his/her own name, he or she shall sign a third-party notification agreement so that the HA will be notified if the resident fails to pay the utility bill.

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6. If an applicant is unable to get utilities connected because of a previous balance owed the utility company at a prior address, applicant will not be admitted and will receive a Denial of Assistance.
7. Maintaining utilities is the resident's obligation under the HA's lease. Failure to maintain utilities is grounds for lease termination and eviction.

### **B. Excess Utility Charges:**

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

## **XV. FLAT RENTS/CEILING RENTS**

### **A. Intent and Purpose:**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

## **XVI. PROCEDURES TO BE USED IN DETERMINING INCOME AND RENT**

### **A. Annual Income:**

Annual income includes, with respect to the family all amounts, not specifically excluded (see annual income definition), received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and when the value of net family assets exceeds \$50,000 (adjusted annually by HUD) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate, as determined by HUD.

#### 1. Calculating Annual Income at Annual Reexamination:

**Step 1:** Determine the annual income for the previous 12-month period as defined at 24 CFR § 5.609(a) and (b). If there have been no changes to income beyond this calculation, then this is the amount that will be used to determine the family’s rental assistance.

Review the following information to determine prior-year income:

- The EIV Income Report (must be pulled within 120 days of the effective date of the annual reexamination to be considered current);
- The income reported on the most recent reexamination HUD-50058/HUD-50059; and
- What the family certified to on the annual reexamination paperwork for prior-year income.

**Step 2:** Take into consideration any interim reexamination of family income completed since the last annual reexamination.

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- If there was an interim reexamination performed, the PHA must use the annual income from the interim to determine the family's rental assistance, if there are no additional changes.
- If the PHA Owner did not perform an interim or there have been changes since the last reexamination, move to Step 3.

**Step 3:** If there were changes in annual income not processed by the PHA since the last reexamination, use current income.

- Family reports their income for the prior year and whether there have been permanent changes.
- If there are no reported changes to an income source, the PHA may use documentation of prior-year income to calculate the annual income used for the current annual reexamination HUD-50058/HUD-50059. For example, the PHA/MFH Owner could use the following documentation and certification from the family:
  - EIV + self-certification (wages, Supplemental Security Income (SSI), Social Security, and unemployment)
  - Current level 4B2 documents verifying prior-year income that are dated within the required timeframe (120 days of receipt by the PHA/MFH Owner), for example:
    - Year-end statement
    - Paycheck with year-to-date amount
    - Tax forms (Form 1040, W2, 1099, etc.)
- If there are reported changes by the family or the PHA notes discrepancies between EIV and what the family reports, follow the verification hierarchy to document and verify income.

### **B. Anticipating Annual Income:**

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

### **C. Adjusted Income:**

Adjusted income means annual income (Section VI(A) above) of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

(a) Mandatory deductions.

- (1) \$480 for each dependent, which amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of \$25;

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(2) \$525 for any elderly family or disabled family, which amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of \$25;

(3) The sum of the following, to the extent the sum exceeds ten percent of annual income:

(i) Unreimbursed health and medical care expenses of any elderly family or disabled family; and

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

(4) Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

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

(b) Financial hardship exemption for unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses

(1) Phased-in relief. This paragraph provides financial hardship relief for families affected by the statutory increase in the threshold to receive health and medical care expense and reasonable attendant care and auxiliary apparatus expense deductions from annual income.

NOTE: Eligible families will begin receiving the 24-month phased-in relief at their next annual reexamination or interim reexamination, whichever occurs first after January 1, 2024. When an eligible family's phased-in relief begins at an interim reexamination, the PHA/MFH Owner will need to process another transaction one year later to move the family along to the next phase. The transaction can be either an interim reexamination if triggered, or a non-interim reexamination transaction.

(i) Eligibility for relief. To receive hardship relief under this paragraph (b)(1), the family must have received a deduction from annual income because their sum of expenses under paragraph (b)(3) of this section exceeded 3 percent of annual income as of January 1, 2024.

(ii) Form of relief.

(A) The family will receive a deduction totaling the sum of the expenses under paragraph (a)(3) of this section that exceeds 5 percent of annual income.

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(B) Twelve months after the relief in this paragraph (b)(1)(ii) is provided, the family will receive a deduction totaling the sum of expenses under paragraph (a)(3) of this section that exceed 7.5 percent of annual income.

(C) Twenty-four months after the relief in this paragraph (b)(1)(ii) is provided, the family will receive a deduction totaling the sum of expenses under paragraph (a)(3) of this section that exceed ten percent of annual income and the only remaining relief that may be available to the family will be paragraph (d)(1) of this section.

(D) A family may request hardship relief under paragraph (b)(2) of this section prior to the end of the twenty-four-month transition period. If a family making such a request is determined eligible for hardship relief under paragraph (b)(2) of this section, hardship relief under this paragraph ends and the family's hardship relief shall be administered in accordance with paragraph (b)(2) of this section. Once a family chooses to obtain relief under paragraph (b)(2) of this section, a family may no longer receive relief under this paragraph.

(2) General. This paragraph (b)(2) provides financial relief for an elderly or disabled family or a family that includes a person with disabilities that is experiencing a financial hardship.

(i) Eligibility for relief.

(A) To receive hardship relief under this paragraph (b)(2), a family must demonstrate that the family's applicable health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses increased, or the family's financial hardship is a result of a change in circumstances (See examples below) that would not otherwise trigger an interim reexamination.

Examples under which residents would qualify for the hardship exemption relief under b(2)(A) would be limited to the following:

- The inability of the family to pay the rent is generally considered an increase in rent of more than 10 percent directly attributable to the increased deductible above 3 percent.
- The family no longer receives reimbursement for health and medical care expenses previously reimbursed resulting in an increase in rent of more than 10 percent.
- The family would be evicted as result of the imposition of the medical deduction decrease.
- A death in the family has occurred resulting in a decrease in health and medical care expenses that is not offset by a decrease in income resulting in at least a 10 percent increase in rent; or
- Other circumstances as determined by the HA

(B) Relief under this paragraph (b)(2) is available regardless of whether the family previously received deductions under paragraph (a)(3) of this section, is currently receiving relief under paragraph (b)(1) of this section, or previously received relief under paragraph (b)(1) of this section. (see examples under (i))

(ii) Form and duration of relief.

(A) The family will receive a deduction for the sum of the eligible expenses in paragraph (a)(3) of this section that exceeds 5 percent of annual income.

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(B) The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever comes earlier.

(c) Exemption to continue childcare expense deduction. A family whose eligibility for the childcare expense deduction is ending may request a financial hardship exemption to continue the childcare expense deduction under paragraph (a)(4) of this section. The Housing Authority will recalculate the family's adjusted income and continue the childcare deduction if the family demonstrates to the Housing Authority's satisfaction that the family is unable to pay their rent because of loss of the childcare expense deduction, and the childcare expense is still necessary even though the family member is no longer employed or furthering his or her education. The hardship exemption and the resulting alternative adjusted income calculation will remain in place for a period of up to 90 days.

Requirements under which residents would qualify for the hardship exemption relief under (c) would be limited to the following:

- The Family must document the necessity for continued childcare such as to maintain a spot(s) with the childcare agency for:
  - Seasonal employment which is expected to resume within 90 days.
  - Serious medical condition expected to last 90 days or less.
- The family must show an inability to pay rent generally considered an increase in rent of more than 10 percent directly attributable to the loss of the childcare deduction.
- The family would be evicted as result of the imposition of the medical deduction decrease.
- A death in the family has occurred resulting in a temporary need (90 days or less) to continue childcare expenses.
- Other circumstances as determined by the HA

The Housing Authority will promptly notify the family in writing of the change in the determination of adjusted income and the family's rent resulting from the approval of a hardship exemption. The notice will include when the hardship exemption will begin and expire

### **D. Computing Rent:**

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

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

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## 2. TTP is the highest of:

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

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

## 3. Tenant Rent:

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

## 4. Minimum Rent:

The minimum rent shall be \$50.00 per month, but a hardship exemption shall be granted to residents who can document that they are unable to pay the \$50.00 because of a long-term hardship (over 90 days). Examples under which residents would qualify for the hardship exemption to the minimum rent would be limited to the following:

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

## 5. Rent Choice:

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

## 6. De Minimis Errors in Income Determinations:

PHAs will not be considered out of compliance solely due to de minimis errors in calculating family income. De minimis errors occur when a PHA's determination of a family's income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (or \$360 in annual adjusted income).

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If an error occurred in the calculation of income that results in the family overpaying rent, the amount of overpayment retroactive until the effect date of the error will be credited to the tenant account. The family may request a refund of the credit amount that exceeds charges due in the next 30 days or the credit will be applied to future charges.

### **XVII. COMPLAINTS AND GRIEVANCE PROCEDURES**

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

### **XVIII. SECURITY DEPOSITS**

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

### **XIX. PET RULE**

#### **A. Pets:**

This HA has adopted a pet policy for use in all HA property. All Residents must comply with this pet policy. FAILURE TO COMPLY WITH THE PET POLICY WILL BE CONSIDERED A SERIOUS BREACH OF THE LEASE. Residents will comply with Section IV (P) of their dwelling lease that states, "Not to keep or allow dogs, cats, or any other animals or pets on the premises without prior written consent of Landlord."

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

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

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

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## XX. DECONCENTRATION RULE

### A. Objective:

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

### B. Exemptions:

The following are exempt from this rule.

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

### C. Actions:

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

1. At the beginning of each HA fiscal year, the HA will establish a goal for housing 40% of its new admissions with families whose incomes are at or below the area median income. The annual goal will be calculated by taking 40% of the total number of move-ins from the previous HA fiscal year.
2. To accomplish the goals of deconcentration:
  - a) Not less than 40% of the HA admissions on an annual basis shall be to families that have incomes at or below extremely low-income limit and
  - b) The HA shall determine the average income of all families residing in all the HA's covered developments. The HA shall determine the average income of all families residing in each covered development. In determining average income for each development, this HA has adjusted its income analysis for unit size in accordance with procedures prescribed by HUD. The HA shall determine whether each of its covered developments falls above, within or below the established income range. The established income range is from 85 to 115 percent (inclusive) of the average family income, except that the upper limit (115 percent) shall never be less than the income at which a family would be defined an extremely low-income family.



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

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

### **XXI. COMMUNITY SERVICE POLICY**

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

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

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

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

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

1. Is 62 years of age or older
2. Qualifies with disabilities that prevent the individual's compliance. The individual must provide appropriate documentation to support the qualifying disability, which may include self-certification. In addition, any person who is the primary caretaker of such individual is exempt.
3. Is engaged in work activities as defined in section 407(d) of the Social Security Act.
4. Is participating at least eight hours a month in a welfare-to-work program.
5. Is a member of a family receiving assistance from and in compliance with a State program funded under Part A, Title IV of the Social Security Act. (To include a Food Stamp type program).
6. Currently working at least 20 hours per week.

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

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

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

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

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

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

- Work at a local public or non-profit institution, including but not limited to: school, Head start, other before or after school program, child care center, hospital, clinic, hospice, nursing home, recreation center, senior center, adult day care program, homeless shelter, feeding program, food bank (distributing either donated or commodity foods), or clothes closet (distributing donated clothing), etc.;
- Work with a non-profit organization that serves HA residents or their children, including but not limited to: Boy Scouts, Girl Scouts, Boys or Girls Club, 4-H Club, PAL, other children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Center, Community clean-up programs, Beautification programs, etc.;
- Work with any program funded under the Older Americans Act, including but not limited to: Green Thumb, Service Corps of Retired Executives, Senior meals programs, Senior Center, Meals on Wheels, etc.;
- Work with any other public or non-profit youth or senior organizations;
- Work as an officer of a development or citywide resident organization;
- Work as a member of the Resident Advisory Committee;
- Work at the Authority to help improve physical conditions (for example as a floor, grounds or building captain);

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- Work at the Authority to help with children's programs;
- Work at the Authority to help with senior programs;
- Helping neighborhood groups with special projects;
- Working through a resident organization to help other residents with problems, serving as an officer in a Resident Organization, serving on the Resident Advisory Board; and
- Caring for the children of other residents so they may volunteer.

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

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

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

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

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

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

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

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

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

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## **XXIII. PROGRAM MANAGEMENT PLAN**

(Organization Plan)

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

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

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

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

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

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

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

- Statement of policies and procedures governing ACOP this policy also outlines the HA's Tenant Selection and Assignment Plan.
- Open occupancy notice (applications being accepted and/or not accepted).
- Directory of housing communities including names, address of project offices, and number of units by bedroom size, number of units specifically designed for the elderly, handicapped, and office hours of all HA facilities.
- Income limits for admission.
- Utility allowances.
- Current schedule of routine maintenance charges/transfer charges.
- Dwelling lease.
- Grievance procedure and hearing officers.
- Fair housing poster.
- "Equal Opportunity in Employment" poster.
- Any current "tenant notices."

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- Security deposit charges.

### **XXVI. OTHER POLICIES**

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

## Admission and Continued Occupancy Policy

### XXVII. APPENDIX “A”

Accessible dwelling units	When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered, or adapted can be approached, entered, and used by individuals with physical disabilities. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40 [the Uniform Federal Accessibility Standards] is “accessible” within the meaning of this paragraph. When an individual dwelling unit in an existing facility is being modified for use by a specific individual, the unit will not be deemed accessible, even though it meets the standards that address the impairment of that individual, unless it also meets the UFAS standards.
Accessible Facility	Means all or any portion of a facility other than an individual dwelling unit used by individuals with physical disabilities. [24 CFR § 8.21]
Catastrophic Involuntary Displacement	Displacement that may be caused by fire, acts of nature.
Accessible Route	For persons with a mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility. [24 CFR § 8.3 & 40.3.5]
Adaptability	Ability to change certain elements in a dwelling unit to accommodate the needs of disabled and non-disabled persons; or ability to meet the needs of persons with different types & degrees of disability. [24 CFR 8.3 & 40.3.5]
Adjusted Income	<p><i>Adjusted income</i> means annual income (as determined under § 5.609) of the members of the family residing or intending to reside in the dwelling unit, after making the deductions outlined in Section VI(C):</p> <p>(a) <i>Mandatory deductions.</i></p> <p>(1) \$480 for each dependent, which amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of \$25;</p> <p>(2) \$525 for any elderly family or disabled family, which amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of \$25;</p> <p>(3) The sum of the following, to the extent the sum exceeds ten percent of annual income:</p> <p>(i) Unreimbursed health and medical care expenses of any elderly family or disabled family; and</p> <p>(ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability, to the extent necessary to enable any member of the family (including the member who is a person with a disability) to be employed. This deduction may not exceed the combined earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and</p>

## Admission and Continued Occupancy Policy

	<p>(4) Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.</p> <p>(b) <i>Financial hardship exemption for unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses</i></p> <p>(1) <i>Phased-in relief.</i> This paragraph provides financial hardship relief for families affected by the statutory increase in the threshold to receive health and medical care expense and reasonable attendant care and auxiliary apparatus expense deductions from annual income.</p> <p>(i) <i>Eligibility for relief.</i> To receive hardship relief under this paragraph (c)(1), the family must have received a deduction from annual income because their sum of expenses under paragraph (a)(3) of this section exceeded 3 percent of annual income as of January 1, 2024.</p> <p>(ii) <i>Form of relief.</i> (A) The family will receive a deduction totaling the sum of the expenses under paragraph (a)(3) of this section that exceed 5 percent of annual income.</p> <p>(B) Twelve months after the relief in this paragraph (c)(1)(ii) is provided, the family must receive a deduction totaling the sum of expenses under paragraph (a)(3) of this section that exceed 7.5 percent of annual income.</p> <p>(C) Twenty-four months after the relief in this paragraph (c)(1)(ii) is provided, the family must receive a deduction totaling the sum of expenses under paragraph (a)(3) of this section that exceed ten percent of annual income and the only remaining relief that may be available to the family will be paragraph (d)(1) of this section.</p> <p>(D) A family may request hardship relief under paragraph (c)(2) of this section prior to the end of the twenty-four-month transition period. If a family making such a request is determined eligible for hardship relief under paragraph (c)(2) of this section, hardship relief under this paragraph ends and the family's hardship relief shall be administered in accordance with paragraph (c)(2) of this section. Once a family chooses to obtain relief under paragraph (c)(2) of this section, a family may no longer receive relief under this paragraph.</p> <p>(2) <i>General.</i> This paragraph (c)(2) provides financial relief for an elderly or disabled family or a family that includes a person with disabilities that is experiencing a financial hardship.</p> <p>(i) <i>Eligibility for relief.</i></p> <p>(A) To receive hardship relief under this paragraph (c)(2), a family must demonstrate that the family's applicable health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses increased or the family's financial hardship is a result of a change in circumstances that would not otherwise trigger an interim reexamination.</p> <p>(B) Relief under this paragraph (c)(2) is available regardless of whether the family previously received deductions under paragraph (a)(3) of this section, is currently receiving relief under paragraph (c)(1) of this section, or previously received relief under paragraph (c)(1) of this section.</p> <p>(ii) <i>Form and duration of relief.</i></p>
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	<p>(A) The family will receive a deduction for the sum of the eligible expenses in paragraph (a)(3) of this section that exceed 5 percent of annual income.</p> <p>(B) The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever comes earlier.</p> <p>(c) <i>Exemption to continue childcare expense deduction.</i> A family whose eligibility for the childcare expense deduction is ending may request a financial hardship exemption to continue the childcare expense deduction under paragraph (a)(4) of this section. The Housing Authority must recalculate the family's adjusted income and continue the childcare deduction if the family demonstrates to the Housing Authority's satisfaction that the family is unable to pay their rent because of loss of the childcare expense deduction, and the childcare expense is still necessary even though the family member is no longer employed or furthering his or her education. The hardship exemption and the resulting alternative adjusted income calculation will remain in place for a period of up to 90 days.</p> <p>(d) Hardship policy.</p> <p>(1) Hardship Exemptions:</p> <ul style="list-style-type: none"> <li>• A family may request a hardship exemption for increases in health and medical expenses of more than 10 percent that do not decrease <b>adjusted income</b> by 10 percent if the family has an inability to pay the rent increase.</li> <li>• A family may request a hardship exemption for continuing childcare deductions when the family no longer qualifies otherwise for the childcare deduction and childcare is still necessary (ex. Resident quits a job to care for a sick relative outside the household. Childcare may still be required to allow for the care of the relative), provided the new rent with no childcare deduction would be reduced by at least 10 percent using the childcare deduction.</li> <li>• Responsible entity determination. The responsible entity must establish a policy on how it defines what constitutes a hardship under paragraphs (b) and (c) of this section, which includes determining the family's inability to pay the rent, for purposes of determining eligibility for a hardship exemption under paragraph (d) of this section.</li> </ul> <p>(2) Family notification. The HA will promptly notify the family in writing of the change in the determination of adjusted income and the family's rent resulting from the hardship exemption. The notice must also inform the family of when the hardship exemption will begin and expire (i.e., the time periods specified under paragraph (c)(1)(ii) of this section or within 90 days or at such time as the responsibility entity determines the exemption is no longer necessary in accordance with paragraphs (c)(2)(ii)(B) or (d) of this section).</p> <ul style="list-style-type: none"> <li>•</li> </ul>
Adult	<p>An adult is a person who has reached his/her 19th birthday or 18 years of age and married (not common law), who has been relieved of the disability of non-age by the juvenile court, or who has been convicted of a crime as an adult under any Federal, State or tribal law. Only persons who are adults shall be eligible to enter into a lease agreement for occupancy.</p>



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Alteration	<p>Any change in a facility or its permanent fixtures or equipment. It does not include: normal maintenance or repairs, re-roofing, interior decoration or changes to mechanical systems. [24 CFR 8.3 &amp; 8.23 (b)]</p>
Annual Income	<p>(a) Annual income includes, with respect to the family:</p> <p>(1) All amounts, not specifically excluded in paragraph (b) of this section, received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and</p> <p>(2) When the value of net family assets exceeds \$50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate, as determined by HUD.</p> <p>(b) Annual income does not include the following:</p> <p>(1) Any imputed return on an asset when net family assets total \$50,000 or less (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and no actual income from the net family assets can be determined.</p> <p>(2) The following types of trust distributions:</p> <p>(i) For an irrevocable trust or a revocable trust outside the control of the family or household excluded from the definition of net family assets under § 5.603(b):</p> <p>(A) Distributions of the principal or corpus of the trust; and</p> <p>(B) Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.</p> <p>(ii) For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.</p> <p>(3) Earned income of children under the 18 years of age.</p> <p>(4) Payments received for the care of foster children or foster adults, or State or Tribal kinship or guardianship care payments.</p> <p>(5) Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation.</p> <p>(6) Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member.</p> <p>(7) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled.</p> <p>(8) Income of a live-in aide, foster child, or foster adult as defined in §§ 5.403 and 5.603, respectively.</p> <p>(9)(i) Any assistance that section 479B of the Higher Education Act of 1965, as amended (<a href="#">20 U.S.C. 1087uu</a>), requires be excluded from a family's income; and</p> <p>(ii) Student financial assistance for tuition, books, and supplies (including supplies and equipment to support students with learning</p>

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	<p>disabilities or other disabilities), room and board, and other fees required and charged to a student by an institution of higher education (as defined under Section 102 of the Higher Education Act of 1965 (<a href="#">20 U.S.C. 1002</a>)) and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.</p> <p>(A) Student financial assistance, for purposes of this paragraph (9)(ii), means a grant or scholarship received from—</p> <ol style="list-style-type: none"><li>(1) The Federal government.</li><li>(2) A State, Tribe, or local government.</li><li>(3) A private foundation registered as a nonprofit under <a href="#">26 U.S.C. 501(c)(3)</a>;</li><li>(4) A business entity (such as corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or</li><li>(5) An institution of higher education.</li></ol> <p>(B) Student financial assistance, for purposes of this paragraph (9)(ii), does not include—</p> <ol style="list-style-type: none"><li>(1) Any assistance that is excluded pursuant to paragraph (b)(9)(i) of this section.</li><li>(2) Financial support provided to the student in the form of a fee for services performed (<i>e.g.</i>, a work study or teaching fellowship that is not excluded pursuant to paragraph (b)(9)(i) of this section);</li><li>(3) Gifts, including gifts from family or friends; or</li><li>(4) Any amount of the scholarship or grant that, either by itself or in combination with assistance excluded under this paragraph or paragraph (b)(9)(i), exceeds the actual covered costs of the student. The actual covered costs of the student are the actual costs of tuition, books and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, or other fees required and charged to a student by the education institution, and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit. This calculation is described further in paragraph (b)(9)(ii)(E) of this section.</li></ol> <p>(C) Student financial assistance, for purposes of this paragraph (b)(9)(ii) must be:</p> <ol style="list-style-type: none"><li>(1) Expressly for tuition, books, room and board, or other fees required and charged to a student by the education institution;</li><li>(2) Expressly to assist a student with the costs of higher education; or</li><li>(3) Expressly to assist a student who is not the head of household or spouse with the reasonable and actual costs of housing while attending the education institution and not residing in an assisted unit.</li></ol> <p>(D) Student financial assistance, for purposes of this paragraph (b)(9)(ii), may be paid directly to the student or to the educational institution on the student's behalf. Student financial assistance paid to the student must be verified by the responsible entity as student financial assistance consistent with this paragraph (b)(9)(ii).</p>
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	<p>(E) When the student is also receiving assistance excluded under paragraph (b)(9)(i) of this section, the amount of student financial assistance under this paragraph (b)(9)(ii) is determined as follows:</p> <p>(1) If the amount of assistance excluded under paragraph (b)(9)(i) of this section is equal to or exceeds the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section, none of the assistance described in this paragraph (b)(9)(ii) of this section is considered student financial assistance excluded from income under this paragraph (b)(9)(ii)(E).</p> <p>(2) If the amount of assistance excluded under paragraph (b)(9)(i) of this section is less than the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section, the amount of assistance described in paragraph (b)(9)(ii) of this section that is considered student financial assistance excluded under this paragraph is the lower of:</p> <p>(i) the total amount of student financial assistance received under this paragraph (b)(9)(ii) of this section, or</p> <p>(ii) the amount by which the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section exceeds the assistance excluded under paragraph (b)(9)(i) of this section.</p> <p>(10) Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, “baby bond” accounts created, authorized, or funded by Federal, State, or local government.</p> <p>(11) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.</p> <p>(12)(i) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);</p> <p>(ii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred ( e.g., special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;</p> <p>(iii) Amounts received under a resident service stipend not to exceed \$200 per month. A resident service stipend is a modest amount received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development.</p> <p>(iv) Incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in qualifying Federal, State, Tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program unless those amounts are excluded under paragraph (b)(9)(i) of this section.</p>
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	<p>(13) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.</p> <p>(14) Earned income of dependent full-time students in excess of the amount of the deduction for a dependent in § 5.611.</p> <p>(15) Adoption assistance payments for a child in excess of the amount of the deduction for a dependent in § 5.611.</p> <p>(16) Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.</p> <p>(17) Payments related to aid and attendance under <a href="#">38 U.S.C. 1521</a> to veterans in need of regular aid and attendance.</p> <p>(18) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit.</p> <p>(19) Payments made by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit.</p> <p>(20) Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (<i>e.g.</i>, proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car).</p> <p>(21) Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law.</p> <p>(22) Amounts that HUD is required by Federal statute to exclude from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in paragraph (b) of this section apply. HUD will publish a notice in the <b>Federal Register</b> to identify the benefits that qualify for this exclusion. Updates will be published when necessary.</p> <p>(23) Replacement housing “gap” payments made in accordance with <a href="#">49 CFR part 24</a> that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another Federally subsidized housing unit. Such replacement housing “gap” payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing “gap” payments.</p> <p>(24) Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income</p>
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	<p>received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. Nonrecurring income includes:</p> <ul style="list-style-type: none"><li>(i) Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment.</li><li>(ii) Direct Federal or State payments intended for economic stimulus or recovery.</li><li>(iii) Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received.</li><li>(iv) Amounts directly received by the family as a result of Federal refundable tax credits and Federal tax refunds at the time they are received.</li><li>(v) Gifts for holidays, birthdays, or other significant life events or milestones (<i>e.g.</i>, wedding gifts, baby showers, anniversaries).</li><li>(vi) Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.</li><li>(vii) Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.</li></ul> <p>(25) Civil rights settlements or judgments, including settlements or judgments for back pay.</p> <p>(26) Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family.</p> <p>(27) Income earned on amounts placed in a family's Family Self Sufficiency Account.</p> <p>(28) Gross income a family member receives through self-employment or operation of a business; except that the following shall be considered income to a family member:</p> <ul style="list-style-type: none"><li>(i) Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations; and</li><li>(ii) Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.</li></ul> <p>(c) <i>Calculation of Income.</i> The PHA or owner must calculate family income as follows:</p> <ul style="list-style-type: none"><li>(1) <i>Initial occupancy or assistance and interim reexaminations.</i> The PHA or owner must estimate the income of the family for the upcoming 12-month period:<ul style="list-style-type: none"><li>(i) To determine family income for initial occupancy or for the initial provision of housing assistance; or</li></ul></li></ul>
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## Admission and Continued Occupancy Policy

	<p>(ii) To determine family income for an interim reexamination of family income under §§ 5.657(c), 960.257(b), or 982.516(c) of this title.</p> <p>(2) <i>Annual Reexaminations.</i> (i) The PHA or owner must determine the income of the family for the previous 12-month period and use this amount as the family income for annual reexaminations, except where the PHA or owner uses a streamlined income determination under §§ 5.657(d), 960.257(c), or 982.516(b) of this title.</p> <p>(ii) In determining the income of the family for the previous 12-month period, the PHA or owner must take into consideration any redetermination of income during the previous 12-month period resulting from an interim reexamination of family income under §§ 5.657(c), 960.257(b), or 982.516(c) of this title.</p> <p>(iii) The PHA or owner must make adjustments to reflect current income if there was a change in income during the previous 12-month period that was not accounted for in a redetermination of income.</p> <p>(3) <i>Use of other programs' determination of income.</i> (i) The PHA or owner may, using the verification methods in paragraph (c)(3)(ii) of this section, determine the family's income prior to the application of any deductions applied in accordance with § 5.611 based on income determinations made within the previous 12-month period for purposes of the following means-tested forms of Federal public assistance:</p> <p>(A) The Temporary Assistance for Needy Families block grant (<a href="#">42 U.S.C. 601</a>, <i>et seq.</i>).</p> <p>(B) Medicaid (<a href="#">42 U.S.C. 1396</a> <i>et seq.</i>).</p> <p>(C) The Supplemental Nutrition Assistance Program (<a href="#">42 U.S.C. 2011</a> <i>et seq.</i>).</p> <p>(D) The Earned Income Tax Credit (<a href="#">26 U.S.C. 32</a>).</p> <p>(E) The Low-Income Housing Credit (<a href="#">26 U.S.C. 42</a>).</p> <p>(F) The Special Supplemental Nutrition Program for Woman, Infants, and Children (<a href="#">42 U.S.C. 1786</a>).</p> <p>(G) Supplemental Security Income (<a href="#">42 U.S.C. 1381</a> <i>et seq.</i>).</p> <p>(H) Other programs administered by the Secretary.</p> <p>(I) Other means-tested forms of Federal public assistance for which HUD has established a memorandum of understanding.</p> <p>(J) Other Federal benefit determinations made in other forms of means-tested Federal public assistance that the Secretary determines to have comparable reliability and announces through the <b>Federal Register</b>.</p> <p>(ii) If a PHA or owner intends to use the annual income determination made by an administrator for allowable forms of Federal means-tested public assistance under this paragraph (c)(3), the PHA or owner must obtain it using the appropriate third-party verification. If the appropriate third-party verification is unavailable, or if the family disputes the determination made for purposes of the other form of Federal means-tested public assistance, the PHA or owner must calculate annual income in accordance with <a href="#">24 CFR part 5, subpart F</a>. The verification must indicate the tenant's family size and composition and state the amount of the family's annual income. The verification must also meet all HUD requirements related to the length of time that is permitted before the third-party verification is considered out-of-date and is no longer an eligible source of income verification.</p>
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	<p>(4) <i>De minimis errors</i>. The PHA or owner will not be considered out of compliance with the requirements in this paragraph (c) solely due to de minimis errors in calculating family income. A de minimis error is an error where the PHA or owner determination of family income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (\$360 in annual adjusted income) per family.</p> <p>(i) The PHA or owner must still take any corrective action necessary to credit or repay a family if the family has been overcharged for their rent or family share as a result of the de minimis error in the income determination, but families will not be required to repay the PHA or owner in instances where a PHA or owner has miscalculated income resulting in a family being undercharged for rent or family share.</p> <p>(ii) HUD may revise the amount of de minimis error in this paragraph (c)(4) through a rulemaking published in the <b>Federal Register</b> for public comment.</p>
Applicant	A person or a family that has applied for admission to housing.
Area of Operation	The jurisdiction of the HA as described in applicable State law and the HA's Articles of Incorporation.
Assets	Assets mean cash (including checking accounts), stocks, bonds, savings, equity in real property, or the cash value of life insurance policies. Assets do not include the value of personal property such as furniture, automobiles and household effects or the value of business assets. <b>IMPORTANT:</b> See the definition of Net Family Assets, for assets used to compute annual income. (See 24 CFR 5.603 for definition of Net Family Assets)
Auxiliary Aids	Means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities. [24 CFR 8.3]
Break-Ins	Break-ins mean bona fide attempts at burglary, which are reported to the police department and are subject to verification by written police reports furnished by the Tenant(s).
Care Attendant	A person that regularly visits the unit of a HA resident to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence (and if requested by HA must demonstrate separate residence) and do not live in the public housing unit. Care attendants have no rights of tenancy.
Ceiling Rents	<p>Ceiling rents are the maximum rent under the selection of an income based rent. Effective October 1, 2002 the ceiling rent shall be adjusted to the amount of the flat rent.</p> <p>Ceiling rents are the tenant rent and no utility allowances can be deducted from the ceiling rent amount.</p>
Child	A member of the family, other than the family head or spouse, who is under 18 years of age.
Child Care Expenses	Amounts anticipated to be paid by the Family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Family member to actively seek employment (which shall be documented by the family to the satisfaction of the HA), be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect

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	<p>reasonable charges for childcare, and, in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The reasonable amount of charges is determined by the HA, by conducting surveys of local child care providers.</p> <p><b>Note:</b> If the Total Annual Income less the above allowances result in a rent that is less than the established minimum rent, the resident rent will be established at the HA established minimum rent.</p>
Citizen	A citizen or national of the United States.
Co-head of Household	A household where two persons are held responsible and accountable for the family, and where each co-head contributes to the rent.
Community Service Requirement	Each non-exempt adult family member must perform eight (8) hours of qualifying community service per month.
Covered Person	For the purposes of screening and terminating tenancy for criminal activity, a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.
Day Laborer	An individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.
Dependent	A member of the family (which excludes foster children and foster adults) other than the family head or spouse who is under 18 years of age, or is a person with a disability, or is a full-time student. [24 CFR 5.603] An unborn child shall not be considered a dependent.
Designated Family	Means the category of family for whom HA elects (subject to HUD approval) to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 Housing Act. (PL 96-120)
Designated housing (or designated project)	A project(s), or portion of a project(s) designated for elderly only or for disabled families only in accordance with PL 96-106.
Disabled Family	A family whose head including co-head, spouse or sole member is a person with disabilities. (Person with disabilities is defined later in this section.) The term includes two or more persons with disabilities living together, and one or more such persons living with one or more persons including live-in aides determined to be essential to the care and well-being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly. [24 CFR 5.403]
Disabled Person	(See Handicapped Person)
Displaced Family	A person, or family, displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
Displaced Person	A person displaced by government action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise recognized pursuant to Federal disaster relief laws. This definition is used for eligibility determinations only. It should not be confused with the former Federal preference for involuntary displacement. [(42 USC 1437a(b)(3)]
Divestiture Income	Imputed income from assets, including business assets, disposed of by applicant or resident in the last two years at less than fair market value. (See the definition of Net Family Assets [24 CFR 5.603] in this section.)



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Drug	A controlled substance as defined in the Controlled Substances Act. [24 CFR 5.100]
Drug-related Criminal Activity	The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell distribute or use the drug. [24 CFR 5.100]
Earned Income	Income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, and governmental subsidies for certain benefits), or any cash or in-kind benefits.
Elderly Family	A family whose head including co-head, spouse, or sole member is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. An elderly family may include elderly persons with disabilities and other family members who are not elderly. [24 CFR 5.403]
Elderly Person	A person who is at least 62 years of age. [42 USC 1437a(b)(3)]
Eviction	This may include not only official action taken by a court, but also the case when a tenancy has been terminated and the tenant moves out prior to a proceeding being filed with the court or during the pendency of a court proceeding.
Enterprise Income Verification - EIV	A computerized Social Security Number matching system utilized to obtain income information.
Evidence Of Citizenship Or Eligible Immigration Status	The documents that must be submitted to evidence citizenship or eligible immigration status.
Extremely Low Income Family	A Family whose Annual Income does not exceed 30% of the higher of 30% of the Area Median Income or the Federal poverty level. Where the higher of 30% of the Area Median Income or the Federal poverty level exceeds the Very Low-Income (VLI) limit, the ELI limit is reduced to equal the VLI limit as published by HUD. This effects the targeting requirements of 75% of new admissions to the housing choice voucher program.
Familial Status	A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as single persons. Therefore, a single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 18 years are processed for occupancy the same as a single persons and only entitled to a one bedroom units. Once the child is born and/or the custody is obtained, the family will qualify for a two bedroom unit and authorized to transfer as outlined in the Transfer Section.
Family	Includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status: <ul style="list-style-type: none"> <li>• A single person, who may be: <ul style="list-style-type: none"> <li>○ An elderly person, displaced person, disabled person, near-elderly person, or any other single person:</li> <li>○ An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster</li> </ul> </li> </ul>

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	<p>care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (<a href="#">42 U.S.C. 675(5)(H)</a>), and is homeless or is at risk of becoming homeless at age 16 or older:</p> <ul style="list-style-type: none"> <li>• A group of persons residing together, and such group includes, but is not limited to:             <ul style="list-style-type: none"> <li>○ A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family)</li> </ul> </li> <li>• An elderly family</li> <li>• A near-elderly family</li> <li>• A disabled family</li> <li>• A displaced family</li> <li>• The remaining member of a tenant family</li> <li>• A foster care arrangement, or a kinship care arrangement</li> </ul> <p><b>Note:</b> By definition, a family must contain a competent adult of at least 18 years of age to enter into a contract and capable of functioning as the head of the household.</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> </ul> <p>Other persons, including members temporarily absent (e.g. a child temporarily placed in foster care or a student temporarily away at college), may be considered a part of the applicant family’s household if they are living or will live regularly with the family. [24 CFR § 5 and 960]          Live-in Aides may also be considered part of the applicant family’s household. However, live-in aides are not family members and have no rights of tenancy or continued occupancy.          Foster Care Arrangements include situations in which the family is caring for a foster adult, child, or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency. For purposes of continued occupancy: the term family also includes the remaining member of a resident family with the capacity to execute a lease.</p>
<p>Fifty Percent (50%) Of Income For Rent</p>	<p>Families that pay 50% or more of their family income for rent including utilities qualify for a preference, in selecting applicants for admission to public housing.</p>
<p>Flat Rent</p>	<p>80% of the applicable Fair Market Rent (FMR) or where a HUD waiver is approved the market value. No utility allowances can be deducted from the flat rent amount.</p> <p><b>Note:</b>          For families who choose flat rents, the HA must conduct a reexamination of family composition and community service requirements (WHEN APPLICABLE) at least annually, and must conduct a reexamination of family income at least once every three (3) years.</p>

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Foster Children	<p>With the prior written consent of the Landlord, a foster child may reside on the premises. The factors considered by the Landlord in determining whether or not consent is granted may include:</p> <ul style="list-style-type: none"> <li>• Whether the addition of a new occupant may require a transfer of the family to another unit, and whether such units are available.</li> <li>• The Landlord's obligation to make reasonable accommodation for handicapped persons.</li> </ul>
Foster Adult	A member of the household who meets the definition of a foster child under State law. In general, a foster child is placed with the family by an authorized placement agency ( <i>e.g.</i> , public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.
Full -Time Student	A member of a family (other than the head of household or spouse) who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. Educational institution shall include but not be limited to: college, university, secondary school, vocational school or trade school [24 CFR 5.603]. The attended educational institution will supply verification.
Guest	A guest is a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of the lease apply to a guest as so defined.
Handicapped Assistance Expense	Reasonable expenses that are anticipated, during the period for which Total Annual Family Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled family member and that are necessary to enable a family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.
Hazardous Duty Pay	Pay to a family member in the Armed Forces away from home and exposed to hostile fire.
Head Of Household	The adult member of the family (identified by the family) who is the head of the household for purposes of determining income eligibility and rent. Also, the head of household is primarily responsible and accountable for the family, particularly in regard to lease obligations.
Health and medical care expenses	Any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.
Homeless Family	<p>Any individual or family who:</p> <p>Lacks a fixed, regular, and adequate nighttime residence;</p> <p>Has a primary nighttime residence that is:</p> <ul style="list-style-type: none"> <li>• A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing or housing for the mentally ill);</li> <li>• An institution that provides a temporary residence for individuals intended to be institutionalized; or</li> <li>• A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.</li> </ul>

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	<p>A homeless family does not include:</p> <ul style="list-style-type: none"> <li>• Any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State Law; or</li> <li>• Any individual who is a Single Room Occupant that is not considered substandard housing.</li> </ul>
Household	The family and a HA-approved Live-in Aide.
Income Exclusions	<ul style="list-style-type: none"> <li>• See Annual Income Definition</li> </ul>
Independent Contractor	<p>An individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.</p>
Individual with Disabilities, Section 504 Definition	<p>Section 504 definitions of Individual with Disabilities and Qualified Individual with Disabilities are not the definitions used to determine program eligibility. Instead, use the definition of person with disabilities as defined later in this section. Note: the Section 504, Fair Housing, and Americans with Disabilities Act (ADA) definitions are similar. ADA uses the term “individual with a disability”. Individual with disabilities means any person who has:</p> <p>(a) A physical, mental or emotional impairment that:</p> <ul style="list-style-type: none"> <li>• substantially limits one or more major life activities;</li> <li>• has a record of such an impairment;</li> <li>• or is regarded as having such an impairment.</li> </ul> <p>(b) Note: For purposes of housing programs, the term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.</p> <p>(c) Definitional elements:  “physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or</p> <p>Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.</p>

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

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	<p>family member; and (c) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].</p> <p><b>Occasional, intermittent, multiple or rotating care givers do not meet the definition of a live-in aide since live-in-aides must reside with a family permanently for the family unit size to be adjusted in accordance with the subsidy standards established by the PHA.</b></p> <p>HA policy on Live-in Aides stipulates that:</p> <p>(a) Before a Live-in Aide may be moved into a unit, a third-party verification must be supplied that establishes the need for such care and the fact that the live-in aide is qualified to provide such care;</p> <p>(b) Move in of a Live-in Aide must not result in overcrowding of the existing unit according to the maximum-number-of-persons-per-unit standard (although, a reasonable accommodation for a resident with a disability may be to move the family to a larger unit);</p> <p>(c) Live-in Aides have no right to the unit as a remaining member of a resident family;</p> <p>(d) Relatives who satisfy the definitions and stipulations above may qualify as Live-in Aides, but only if they sign a statement prior to moving in relinquishing all rights to the unit as the remaining member of a resident family;</p> <p>(e) A Live-in aide is a single person;</p> <p>(f) A Live-in Aide will be required to meet HA's screening requirements with respect to past behavior especially:</p> <p>A record of disturbance of neighbors, destruction of property, or living or housekeeping habits at present or prior residences that may adversely affect the health, safety, or welfare of other tenants or neighbors;</p> <p>Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or the development; and</p> <p>A record of eviction from housing or termination from residential programs.</p>
Low-Income Household	A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller and larger families [42 USC 1437a(b)0]
Military Service	Military Service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard, and, since July 29, 1945, the commissioned corps of the United States Public Health Service.
Minimum Rent	The HA has the discretion to establish the minimum rent from \$0 up to \$50.
Minor	A member of the family, other than the head of family or spouse, who is under 18 years of age.
Mixed Family	A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
Mixed Population Project	Means a public housing project for elderly and disabled families. The HA is not required to designate this type of project under the Extension Act. (PIH Notice 97-12)
Monthly Adjusted Income	One-twelfth of Adjusted Annual Income.

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Monthly Income	One twelfth of Annual Income. For purpose of determining priorities based on an applicant's rent as a percentage of family income, family income is the same as monthly income.
Multifamily Housing Project	For purposes of Section 504, means a project containing five or more dwelling units. [24 CFR 8.3]
National	A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.
Near-elderly Family	Means a family whose head, spouse, or sole member is a near-elderly person (at least 50 but less than 62 years of age), who may be a person with a disability. The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well-being of the near-elderly person or persons. A near-elderly family may include other family members who are not near-elderly. [24 CFR 5.403]
Near-elderly Person	Means a person who is at least 50 years of age but below 62, who may be a person with a disability [42 USC 1437a(b)(3)]
Net Family Assets	<p>(1) Net family assets is the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and other forms of capital investment.</p> <p>(2) In determining net family assets, PHAs or owners, as applicable, must include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives consideration not measurable in dollar terms. Negative equity in real property or other investments does not prohibit the owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.</p> <p>(3) Excluded from the calculation of net family assets are:</p> <ul style="list-style-type: none"> <li>(i) The value of necessary items of personal property;</li> <li>(ii) The combined value of all non-necessary items of personal property if the combined total value does not exceed \$50,000 (which amount will be adjusted by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers);</li> <li>(iii) The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals;</li> <li>(iv) The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located;</li> <li>(v) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability;</li> </ul>

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	<p>(vi) The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986, the value of any qualified tuition program under section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account authorized under Section 529A of such Code, and the value of any “baby bond” account created, authorized, or funded by Federal, State, or local government.</p> <p>(vii) Interests in Indian trust land;</p> <p>(viii) Equity in a manufactured home where the family receives assistance under <a href="#">24 CFR part 982</a>;</p> <p>(ix) Equity in property under the Homeownership Option for which a family receives assistance under <a href="#">24 CFR part 982</a>;</p> <p>(x) Family Self-Sufficiency Accounts; and</p> <p>(xi) Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.</p> <p>(4) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the trust fund is not a family asset and the value of the trust is not included in the calculation of net family assets, so long as the fund continues to be held in a trust that is not revocable by, or under the control of, any member of the family or household.</p>
Non-citizen	A person who is neither a citizen nor national of the United States.
Other Person Under the Tenant's Control	The person although not staying as a guest in the unit is or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control (e.g. the Pizza Delivery person)
Person with Disabilities [42 USC 1437a(b)(3)]	<p>Means a person who:</p> <p>(a) Has a disability as defined in Section 223 of the Social Security Act (42 USC 423); or,</p> <p>(b) Has a physical, mental or emotional impairment that: Is expected to be of long continued and indefinite duration; Substantially impedes his/her ability to live independently; and, Is of such nature that such disability could be improved by more suitable housing conditions; or,</p> <p>(c) Has a developmental disability as defined in Section 102 (5) (b) of the Developmental Disabilities Assistance and Bill of Rights Act [42 USC 6001 (5)].</p> <p>Note: A person with disabilities may be a child.</p> <p>Note: This is the program definition for public housing. The 504 definition does not supersede this definition for eligibility or admission.</p>
Portion of Project	Includes, one or more buildings in a multi-building project; one or more floors of a project or projects; a certain number of dwelling units in a project or projects. [24 CFR 945.105]
Premises	The building or complex or development in which the public housing dwelling is located, including common areas and grounds.
Project, Section 504	Means the whole of one or more residential structures & appurtenant structures, equipment, roads, walks, & parking lots that are covered by a single contract



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	<p>for Federal financial assistance or application for assistance, or are treated as a whole for processing purposes, whether or not located on a common site. [24 CFR 8.3]</p> <p>NOTE: this is the program definition for public housing. The 504 definition does not supersede this definition for eligibility or admission. [24 CFR 8.4 (c) (2)]</p>
Public Housing Agency (HA)	Any State, County, Municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development of operation of housing for lower income families.
Qualified Individual with Disabilities, Section 504	<p>Means an individual with disabilities who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the HA can demonstrate would result in a fundamental alteration in its nature.</p> <p>Essential eligibility requirements include: stated eligibility requirements such as income as well as other explicit or implicit requirements inherent in the nature of the program or activity, such as requirements that an occupant of multifamily housing be capable of meeting the recipient's selection criteria and be capable of complying with all obligations of occupancy with or without supportive services provided by persons other than the HA</p>
Real Property	The same meaning as that provided under the law of the State in which the property is located.
Reexamination	Reexamination is sometimes called reexamination. The process of securing documentation which indicates that tenants meet the eligibility requirements for continued occupancy.
Re-Examination Date	The date on which any rent change is effective or would be effective if required as a result of the annual re-examination of eligibility and rent. The re-examination date(s) is the anniversary date (month) of the lease.
Remaining Member Of The Resident Family	The person(s) of legal age remaining in the public housing unit after the person(s) who signed the lease has (have) left the premises, other than by eviction, which may or may not normally qualify for assistance on their own circumstances. An individual must occupy the public housing unit to which he claims head of household status for one year before becoming eligible for subsidized housing as a remaining family member. This person must complete forms necessary for housing within ten days from the departure of the leaseholder and may remain in the unit for a reasonable time pending the verification and grievance process. This person must, upon satisfactory completion of the verification process, then execute a new lease and cure any monetary obligations in order to remain in the unit. Any person who claims him or herself as a remaining member shall, in the event that the HA declares him or her ineligible for remaining member status, be entitled to the grievance process upon notice to him or her that he or she is not considered to be a remaining member of the household. The person requesting remaining member status must request this grievance process in writing within ten days from the date of the departure of the head of household. In the interim time between the time of the request for the grievance process and the decision by the hearing officer, all rent which was due pursuant to the lease, shall be deposited into an escrow account with the HA under the same provisions as those relating to tenants requesting a grievance hearing relating to rent under the grievance process. The HA does not recognize the person as a tenant by giving him or her

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	<p>opportunity for a grievance hearing. A remaining member shall not be considered to be a tenant until such time as a new lease is executed by the HA and the person granted tenant status after the verification status.</p>
Seasonal Worker	<p>An individual who is hired into a short-term position and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry.</p>
Single Person	<p>A person who lives alone, or intends to live alone, and who does not qualify as an elderly family, or a displaced person, or as the remaining member of a Tenant family.</p>
Spouse	<p>Either member of a married pair in relation to the other.</p>
Standard Permanent Replacement Housing	<p>Is housing:            That is decent, safe, and sanitary;            That is adequate for the family size; and            That the family is occupying pursuant to a lease or occupancy agreement.  <b>Note:</b>            Such housing does not include transient facilities, such as motels, hotels, or temporary shelters for victims of domestic violence or homeless families, and in the case of domestic violence, does not include the housing unit in which the applicant and the applicant's spouse or other member of the household who engages in such violence live.            A "homeless family" does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.</p>
Single Room Occupancy	<p>(SRO) Housing (as defined in 882.102 of the CFR) is not substandard solely because it does not contain sanitary or food preparation facilities (or both).</p>
Substandard Housing	<p>A unit is substandard if it:            Is dilapidated;            Does not have operable indoor plumbing;            Does not have a usable flush toilet inside the unit for the exclusive use of a family;            Does not have a usable bathtub or shower inside the unit for the exclusive use of a family;            Does not have electricity, or has inadequate or unsafe electrical service;            Does not have a safe or adequate source of heat;            Should, but does not, have a kitchen; or            Has been declared unfit for habitation by an agency or unit of government.</p> <p>A housing unit is dilapidated if it does not provide safe and adequate shelter, and in its present condition endangers the health, safety, or well-being of a family, or it has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. The defects may involve original construction, or they may result from continued neglect or lack of repair or from serious damage to the structure.</p> <p>An applicant who is a "homeless family" is living in substandard housing. For purposes of the preceding sentence, a "homeless family" includes any individual or family who:            Lacks a fixed, regular, and adequate nighttime residence; and            Has a primary nighttime residence that is:</p>

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	<p>(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing programs);</p> <p>(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or</p> <p>(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.</p>
Temporarily Absent Family Members	Any person(s) on the lease that is not living in the household for a period of more than thirty-days (30) is considered temporarily absent. Absences of more than six months are not generally considered to be “temporary” and must be approved by the HA.
Tenant Rent	<p>The amount payable monthly by the Family as rent to the HA. Where all utilities (gas, water and electricity) are supplied by the HA, Tenant Rent equals Total Tenant Payment or minimum rent. Where some or all utilities (gas, water and electricity) are not supplied by the HA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment or minimum rent less the utility allowance. Telephone and cable television service is not a utility.</p> <p>Ceiling rent: (see definition hereinabove) Flat rent: (see definition hereinabove)</p> <p><b>Note:</b> Utility allowances are not calculated or deducted from the flat rent. [24 CFR 5.603].</p>
Total Tenant Payment (TTP)	<p>The TTP, or income-based rent, is calculated using the following formula:</p> <p>A. For the Public Housing Program, the TTP must be the greater of:</p> <ol style="list-style-type: none"> <li>(1) 30 percent of family monthly adjusted income (see note);</li> <li>(2) 10 percent of family monthly income; or</li> <li>(3) Which is the minimum rent set by the HA</li> </ol> <p>B. If the Resident pays any of the utilities directly to the utility supplier, the amount of the Utility Allowance is deducted from the TTP. [24 CFR 5.613] See the definition for Tenant Rent. It is possible for Public Housing tenants to qualify for a utility reimbursement despite the requirement of a minimum rent. For example, if a Public Housing family's TTP is the minimum rent of \$25 and the HA's utility allowance for the size and type unit the family has selected is \$60, the family would receive a utility reimbursement of \$35 (\$60 less \$25) for tenant purchased utilities.</p> <p><b>Note:</b> The income based tenant rent may not exceed the ceiling rent/flat rent. The resident may elect the flat rent as may be appropriate in lieu of the rent calculated in paragraph “A” above. Effective October 1, 2002 the ceiling rent shall be adjusted to the amount of the flat rent.</p>
Unearned income	Any annual income, as calculated under § 5.609, that is not earned income (see earned income definition above).
Uniform Federal Accessibility Standards	Standards for the design, construction, and alteration of publicly owned residential structures to insure that physically disabled persons will have ready access to and use of such structures. The standards are set forth in Appendix A

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	to 24 CFR Part 40. See cross reference to UFAS in 504 regulations, 24 CFR 8.32 (a).
Utilities	Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection, and sewerage services. Telephone service is not included as a utility [24 CFR 990.102].
Utility Allowance	If the cost of utilities (except telephone and air conditioning added after initial construction) and other housing services for an assisted unit is not included in the Tenant rent, but is the responsibility of the family occupying the unit, then the utility allowance is an amount equal to the estimate made or approved by the HA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment. If the family pays directly for one or more utilities or services, the amount of the allowance is deducted from the gross rent in determining the contract rent and is included in the gross family contribution.
Utility Reimbursement Payment	Utility Reimbursement Payment is the amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit. At the discretion of the HA, the check may be made payable jointly to the resident and utility provider or directly to the utility provider. Tenants who choose to pay flat rents do not receive a utility reimbursement, since the value of the flat rent takes into account any utilities paid by the tenant.
Very Low-Income Family	A lower Income Family means a family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes[42 USC 1437a(b)].
Violent Criminal Activity	Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause serious bodily injury or property damage .
Wage Earner	A person in a gainful activity who receives any wages. Said wages or pay covers all types of employee compensation including salaries, vacation allowances, tips, bonuses, commissions and unemployment compensation. The terms "Wage Earner" and "Worker" are used interchangeably.
Welfare Assistance	Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.
Gender Identity	Actual or perceived gender-related characteristics.
Sexual Orientation	Homosexuality, heterosexuality, or bisexuality.